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Iraq: U.S. Regime Change Efforts and Post-Saddam Governance

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Iraq: U.S. Regime Change Efforts and Post-Saddam Governance

Summary

Operation Iraqi Freedom accomplished a long-standing U.S. objective, the overthrow of Saddam Hussein, but replacing his regime with a stable, moderate, democratic political structure has run into major difficulty. That outcome would contribute to preventing Iraq from becoming a sanctuary for terrorists, a key recommendation of the September 11 Commission report (Chapter 12, Section 2). During the 1990s, U.S. efforts to change the regime covertly failed because of limited U.S. commitment, disorganization of the Iraqi opposition, and the vigilance of Iraq's several overlapping security services. Previous U.S. Administrations had ruled out a U.S. military invasion to change the regime, believing such action would be risky and that Iraq did not necessarily pose a level of threat that would justify doing so. President George W. Bush characterized Iraq as a grave potential threat to the United States because of its refusal to abandon its weapons of mass destruction (WMD) programs and its potential to transfer WMD to terrorist groups. After a November 2002 - March 2003 round of U.N. WMD inspections in which Iraq's cooperation was mixed, on March 19, 2003 the United States launched Operation Iraqi Freedom to disarm Iraq and change its regime. The regime fell on April 9, 2003.

In the months prior to the war, the Administration stressed that regime change through U.S.-led military action would yield benefits beyond disarmament and reduction of support for terrorism, benefits such as liberation of the Iraqi people from an oppressive regime and promotion of stability and democracy throughout the Middle East. Escalating resistance to the U.S.-led occupation (April 2003 - June 2004) complicated U.S. efforts to build democracy and to establish legitimate and effective Iraqi political and security bodies. Partly in an effort to reduce U.S. casualties and satisfy Iraqi demands for an end to coalition occupation, the United States decided to accelerate the hand over of sovereignty. An interim government was named on June 1, 2004, a U.S. appointed "Governing Council" dissolved itself, and the handover took place on June 28, 2004. Current plans are to for elections for a transition government by January 31, 2005, with votes on a permanent constitution by October 31, 2005, and for a permanent government by December 15, 2005.

The Bush Administration asserts that U.S. policy in Iraq will ultimately succeed as U.S. trainers and the interim Iraqi government build new Iraqi security bodies. Some believe the United States should add troops to the current level of about 140,000, plus about 24,000 foreign military personnel, to stabilize the security situation. Others believe the United States needs to take new steps to recruit major international force contributors, and yet some others believe that the United States should pull out of Iraq.

This report will be updated as warranted by major developments. See also CRS Report RL31833, *Iraq: Recent Developments in Reconstruction Assistance*.

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Iraq: U.S. Regime Change Efforts and Post-Saddam Governance

The United States did not remove Iraq's Saddam Hussein from power in the course of the 1991 Persian Gulf war, and his regime unexpectedly survived post-war uprisings by Iraq's Shiites and Kurds. Subsequently, the United States sought to remove Saddam from power by supporting dissidents inside Iraq, although changing Iraq's regime was not U.S. declared policy until 1998. In November 1998, amid a crisis with Iraq over U.N. weapons of mass destruction (WMD) inspections, the Clinton Administration stated that the United States would promote a change of regime. A regime change policy was endorsed by the Iraq Liberation Act (P.L. 105-338, October 31, 1998). Bush Administration officials emphasized regime change as the cornerstone of U.S. policy toward Iraq shortly after the September 11, 2001, attacks. Operation Iraqi Freedom was launched on March 19, 2003, and had effectively deposed Saddam Hussein by April 9, 2003.

The Bush Administration's stated goal is to transform Iraq into a democracy that could be a model for the rest of the region and would prevent Iraq from becoming a safehaven for Islamic or other terrorists. Iraq has not had experience with a democratic form of government, although parliamentary elections were held during the period of British rule under a League of Nations mandate (1920-1932). Iraq, which became independent in 1932, was governed by kings from the Hashemite dynasty during 1921-1958, with substantial British direction and influence.¹ Members of the Hashemite dynasty continue to rule in neighboring Jordan. Iraq's first Hashemite king was Faysal bin Hussein, son of Sharif Hussein of Mecca, who led the Arab revolt against the Ottoman Empire. Faysal ruled Iraq as King Faysal I and was succeeded by his son, Ghazi (1933-1939). Ghazi was succeeded by his son, Faysal II, who ruled until the military coup of Abd al-Karim al-Qasim on July 14, 1958. Qasim was ousted in February 1963 by a Baath Party - military alliance. Also in 1963, the Baath Party took power in Syria. It still rules there today, although there was strong rivalry between the Syrian and Iraqi Baath regimes during Saddam's time in power.

One of the Baath Party's allies in the February 1963 coup in Iraq was Abd al-Salam al-Arif. In November 1963, Arif purged the Baath, including Baathist Prime Minister Ahmad Hasan al-Bakr, and instituted direct military rule. Arif was killed in a helicopter crash in 1966 and was replaced by his elder brother, Abd al-Rahim al-Arif, who ruled until the Baath Party coup of July 1968. Following the Baath seizure, Ahmad Hasan al-Bakr, a military figure, returned to government as President of Iraq and Saddam Hussein, a civilian, became the second most powerful leader as Vice

¹ See Eisenstadt, Michael and Eric Mathewson, eds. U.S. Policy in Post-Saddam Iraq: Lessons From the British Experience. The Washington Institute for Near East Policy, 2003.

Chairman of the Revolutionary Command Council. In that position, Saddam developed and oversaw a system of overlapping security services to monitor loyalty among the population and within Iraq's institutions, including the military. On July 17, 1979, the aging al-Bakr resigned at Saddam's urging, and Saddam became President of Iraq.

Major Anti-Saddam Groups and Past Regime Change Efforts

Prior to the launching on January 16, 1991 of Operation Desert Storm, an operation that reversed Iraq's August 1990 invasion of Kuwait, President George H.W. Bush called on the Iraqi people to overthrow Saddam. Within days of the end of the Gulf war (February 28, 1991), opposition Shiite Muslims in southern Iraq and Kurdish factions in northern Iraq, emboldened by the regime's defeat and the hope of U.S. support, launched significant rebellions. The revolt in southern Iraq reached the suburbs of Baghdad, but the Republican Guard forces, composed mainly of regime loyalists, had survived the war largely intact, having been withdrawn from battle prior to the U.S. ground offensive, and it defeated the Shiite rebels by mid-March 1991. Many Shiites blamed the United States for standing aside as the regime retaliated against those who participated in the rebellion. Kurds, benefitting from a U.S.-led "no fly zone" established in April 1991, drove Iraqi troops out of much of northern Iraq and subsequently remained relatively autonomous.

According to press reports, about two months after the failure of the Shiite uprising, President George H.W. Bush forwarded to Congress an intelligence finding stating that the United States would undertake efforts to promote a military coup against Saddam Hussein; a reported \$15 million to \$20 million was allocated for that purpose. The Administration apparently believed — and this view apparently was shared by many experts and U.S. officials — that a coup by elements within the current regime could produce a favorable new government without fragmenting Iraq. Many observers, however, including neighboring governments, feared that Shiite and Kurdish groups, if they ousted Saddam, would divide Iraq into warring ethnic and tribal groups, opening Iraq to influence from neighboring Iran, Turkey, and Syria.

Reports in July 1992 of a serious but unsuccessful coup attempt suggested that the U.S. strategy might ultimately succeed. However, there was disappointment within the George H.W. Bush Administration that the coup had failed and a decision was made to shift the U.S. approach from promotion of a coup to supporting the diverse opposition groups that had led the post-war rebellions. At the same time, the Kurdish, Shiite, and other opposition elements were coalescing into a broad and diverse movement that appeared to be gaining support internationally. This opposition coalition was seen as providing a vehicle for the United States to build a viable overthrow strategy. Congress more than doubled the budget for covert support to the opposition groups to about \$40 million for FY1993.²

² Sciolino, Elaine. "Greater U.S. Effort Backed To Oust Iraqi." *New York Times*, June 2, 1992.

The following sections discuss organizations and personalities that were part of the U.S. effort to change Iraq's regime during the 1990s, as well as some that were not directly associated with those efforts but are now emerging as major players.

Iraqi National Congress (INC)/Ahmad Chalabi. After 1991, the growing exile opposition coalition took shape in an organization called the Iraqi National Congress (INC). The INC was formally constituted when the two main Kurdish militias, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), participated in a June 1992 meeting in Vienna of dozens of opposition groups. In October 1992, major Shiite Islamist groups came into the coalition when the INC met in Kurdish-controlled northern Iraq.

The INC appeared viable because it brought under one banner varying Iraqi ethnic groups and diverse political ideologies, including nationalists, ex-military officers, and defectors from the Baath Party. The Kurds provided the INC with a source of armed force and a presence on Iraqi territory. Its constituent groups publicly united around a platform that appeared to match U.S. values and interests, including human rights, democracy, pluralism, "federalism," the preservation of Iraq's territorial integrity, and compliance with U.N. Security Council resolutions on Iraq.³ However, many observers doubted its commitment to democracy, because most of its groups have an authoritarian internal structure, and because of tensions among its varied ethnic groups and ideologies. The INC's first Executive Committee consisted of KDP leader Masud Barzani, ex-Baath Party and military official Hassan Naqib, and moderate Shiite cleric Mohammad Bahr al-Ulum.

The INC and its leader, Ahmad Chalabi, have been controversial in the United States since the INC was formed. The State Department and Central Intelligence Agency (CIA) have, by many accounts, believed the INC had little popularity inside Iraq. In the George W. Bush Administration, numerous press reports indicated that the Defense Department and office of Vice President Cheney believed the INC might be able to lead a post-Saddam regime.

Ahmad Chalabi and Other INC Figures. When the INC was formed, its Executive Committee selected Chalabi, a secular Shiite Muslim from a prominent banking family, to run the INC on a daily basis. Chalabi, who is about 60 years old, was educated in the United States (Massachusetts Institute of Technology) as a mathematician. His father was president of the Senate in the monarchy that was overthrown in the 1958 military coup, and the family fled to Jordan. He taught math at the American University of Beirut in 1977 and, in 1978, he founded the Petra Bank in Jordan. He later ran afoul of Jordanian authorities on charges of embezzlement and he left Jordan, possibly with some help from members of Jordan's royal family, in 1989. In April 1992, he was convicted in absentia of embezzling \$70 million from the bank and sentenced to 22 years in prison. The Jordanian government subsequently repaid depositors a total of \$400 million. Chalabi maintains that the Jordanian government was pressured by Iraq to turn against him, and he asserts that he has since rebuilt ties to the Jordanian government. In April 2003, senior Jordanian

³ The Iraqi National Congress and the International Community. Document provided by INC representatives, Feb. 1993.

officials, including King Abdullah, publicly called Chalabi “divisive;” stopping short of saying he would be unacceptable as leader of Iraq.

Chalabi’s critics acknowledge that, despite allegations about his methods, he was single-minded in his determination to overthrow Saddam Hussein. He was supported by some Administration officials, particularly in the Department of Defense, who most supported changing Iraq’s regime by force. On April 6, 2003, Chalabi and about 700 INC fighters (“Free Iraqi Forces”) were airlifted by the U.S. military from their base in the north to the Nasiriya area, purportedly to help stabilize civil affairs in southern Iraq, later deploying to Baghdad and other parts of Iraq. After establishing his headquarters in Baghdad, Chalabi tried to build support by searching for fugitive members of the former regime and arranging for U.S. military forces in Iraq to provide security or other benefits to his potential supporters. (The Free Iraqi Forces accompanying Chalabi were disbanded following the U.S. decision in mid-May 2003 to disarm independent militias.)

Chalabi was selected to the Governing Council (IGC) and was one of the nine that rotates its presidency; he was president of the IGC during the month of September 2003. He headed the IGC committee on “de-Baathification,” although his vigilance in purging former Baathists was slowed by U.S. officials in early 2004. His appointments came despite the lack of an evident large following among Iraqis. In an effort to build a following, since early 2004 Chalabi has criticized some U.S. policies; these positions have run Chalabi afoul of some of his supporters in the Bush Administration and, to some degree, put him at odds with current Prime Minister Iyad al-Allawi. He reportedly has allied with radical Shiite cleric Moqtada al-Sadr (see below) in an attempt to form a power bloc outside the interim government.

Raid on INC Headquarters/Arrest Warrants. Amid continued deterioration in Chalabi’s relationship with the United States, Iraqi police backed by U.S. troops raided INC headquarters in Baghdad on May 20, 2004. There has been a wide variety of press reporting, but little consensus, about what the raid was focusing on, but most observers interpreted it as a clear U.S. break with Chalabi. Among the allegations in question were that Chalabi had passed information to Iran that the United States had broken Iranian intelligence codes;⁴ that INC members had been involved in kidnaping or currency fraud; or that the INC had failed to cooperate with an Iraqi investigation of the U.N. “oil-for-food program.” Another possible area of inquiry is whether or not Chalabi purposely provided false information to the United States on Iraq’s pre-war WMD in an effort to build U.S. support for the war. Some accuse Chalabi of helping steer reconstruction work to relatives and business associates.⁵ In the raid, the investigators seized computers and files that the INC had captured from various Iraqi ministries upon the fall of Saddam’s regime. Demonstrating the degree to which Chalabi has become estranged from the United States and the interim Iraqi government, on August 8, 2004, an Iraqi judge issued a

⁴ Risen, James and David Johnston. “Chalabi Reportedly Told Iran That U.S. Had Code.” *New York Times*, June 2, 2004.

⁵ Richter, Paul and Edmund Sanders. Contracts Go to Allies of Iraq’s Chalabi. *Los Angeles Times*, Nov. 7, 2003.

warrant for Chalabi's arrest on counterfeiting charges, and for his nephew Salem Chalabi's arrest for the murder of an Iraqi finance ministry official. Salem heads the tribunal trying Saddam Hussein and his associates. Both were out of the country but vowed to return to fight the charges. Chalabi returned to Iraq in mid-August but has not been arrested to date.

INC Funding. According to the U.S. General Accounting Office, in a report dated April 2004,⁶ the INC's Iraqi National Congress Support Foundation (INCSF) received \$32.65 million in U.S. funding (Economic Support Funds, ESF) in five agreements with the State Department during 2000-2003. Most of the funds — separate from drawdowns of U.S. military equipment and training under the separate "Iraq Liberation Act," see below — were for the INC to run its offices in Washington, London, Tehran, Damascus, Prague, and Cairo, and to operate its *Al Mutamar* (the "Conference") newspaper and Liberty TV. In addition, in August 2002, the State Department and Defense Department agreed that the Defense Department would take over funding (\$335,000 per month) for the INC's "Information Collection Program" to collect intelligence on Iraq; the State Department wanted to end its funding of that program because of questions about the INC's credibility and the propriety of its use of U.S. funds. The INC continued to receive these funds even after Saddam Hussein was overthrown,⁷ and Chairman of the Joint Chiefs of Staff General Richard Meyers said on May 20, 2004, that the INC had provided some information that had saved the lives of U.S. soldiers. However, with controversy over the quality of the INC's pre-war intelligence on Iraqi WMD escalating, the Defense Department officials announced on May 18, 2004, that the program funding would stop on June 30, 2004, when sovereignty is returned to Iraq.

Some U.S. funds for the INC were specifically earmarked. The FY2001 foreign aid appropriation (H.R. 4811, P.L. 106-429, November 6, 2000) earmarked \$25 million in ESF for "programs benefitting the Iraqi people," of which at least \$12 million was for the INC to distribute humanitarian aid in Iraq; \$6 million was for INC broadcasting; and \$2 million was for war crimes issues. (The appropriation stated that the remaining \$5 million could be used to provide additional ESF to the seven groups then eligible to receive assistance under the Iraq Liberation Act, see below.) In September 2000, the Clinton Administration agreed to provide the INC with \$4 million (from FY1999 ESF appropriated for the Iraqi opposition) to develop a plan to distribute humanitarian aid in Iraq and to gather information on Iraqi war crimes. However, three days before leaving office, the Clinton Administration issued a required report to Congress stating that any INC effort to distribute humanitarian aid in areas of Iraq under Baghdad's control would be fraught with security risks to the INC, to Iraqi recipients of such aid, and to any relief distributors with which the INC would contract.⁸ In February 2001, the Bush Administration adopted a similar

⁶ General Accounting Office Report GAO-04-559. State Department: Issues Affecting Funding of Iraqi National Congress Support Foundation. Apr. 2004.

⁷ Lake, Eli. Jockeying Begins for Control of Iraqi Intelligence Agency. *New York Sun*, Mar. 1, 2004.

⁸ U.S. Department of State. *Washington File*. "Clinton Sends Report on Iraq to Congress." Jan. 17, 2001.

policy: supporting INC information gathering but opposing its distribution of humanitarian aid inside Iraq.

In August 2001, the INC began satellite television broadcasts into Iraq, from London, called Liberty TV. The station was funded by the FY2001 ESF appropriated by Congress, with start-up costs of \$1 million and an estimated additional \$2.7 million per year in operating costs.⁹ However, Liberty TV's service was sporadic due to funding disruptions resulting from the INC's refusal to accept some State Department decisions on how the INC was to use U.S. funds.¹⁰ (A table on U.S. appropriations for the Iraqi opposition, including the INC, is an appendix).

Iraq National Accord (INA)/Iyad al-Allawi. The Iraq National Accord (INA) was founded just after Iraq's 1990 invasion of Kuwait. Supported initially by Saudi Arabia, the INA consisted of defectors from Iraq's Baath Party, military, and security services who were perceived as having ties to disgruntled officials in those organizations. During the mid-1990s, the INA reportedly had an operational backing from the Central Intelligence Agency (CIA).¹¹

The INA has been headed since 1990 by Dr. Iyad al-Allawi, who that year broke with another INA leader, Salah Umar al-Tikriti. Allawi is a former Baathist who, according to some reports, helped Saddam Hussein silence Iraqi dissidents in Europe in the mid-1970s.¹² Allawi is about 58 years old (born 1946 in Baghdad). After falling out with Saddam in the mid-1970s, he became a neurologist and was president of the Iraqi Student Union in Europe. He survived an assassination attempt in London in 1978, allegedly by Iraq's agents. He is a secular Shiite Muslim, but most of the members of the INA are Sunni Muslims. Although Allawi no longer considers himself a Baath Party member, he is not known to have openly denounced the original tenets of Baathism, a pan-Arab multi-ethnic movement founded in the 1940s by Lebanese Christian political philosopher Michel Aflaq.

Although it cooperated with the INC at the start of Operation Iraqi Freedom, there is a history of friction between the INA and the INC. Allawi's INA has ex-Baathists in it, and Allawi has argued for retaining some members of the former regime in official positions, a position that is anathema to the INC. Like the INC, the INA does not appear to have a mass following in Iraq. Allawi was part of the major-party grouping that agitated for the formation of the IGC, and he was named to the IGC and to its rotating presidency. He was president during October 2003. On June 1, 2004, after being nominated by the IGC, he became prime minister of the interim government; he assumed formal power upon the June 28, 2004 sovereignty handover.

⁹ Sipress, Alan. "U.S. Funds Satellite TV to Iraq." *Washington Post*, Aug. 16, 2001.

¹⁰ GAO study, Apr. 2004, cited above.

¹¹ Brinkley, Joel. "Ex-CIA Aides Say Iraq Leader Helped Agency in 90's Attacks." *New York Times*, June 9, 2004.

¹² Hersh, Seymour. "Annals of National Security: Plan B." *The New Yorker*, June 28, 2004.

Major Kurdish Organizations/KDP and PUK. The Kurds, among the most pro-U.S. of all the groups in Iraq, do not express ambitions to govern Arab Iraq, but they have a historic fear of persecution by the Arab majority and want to preserve the autonomy they have experienced since the 1991 Gulf war. (The Kurds are mostly Sunni Muslims, but they are not ethnic Arabs.) In committing to the concept of “federalism,” the 1992 INC platform assured the Kurds autonomy in a post-Saddam Iraq. Turkey, which has a sizable Kurdish population in the areas bordering northern Iraq, particularly fears that the Kurds want outright independence and that this might touch off an effort to unify with Kurds in neighboring countries (including Turkey) into a broader “Kurdistan.”

Iraq’s Kurds have fought intermittently for autonomy since their region was incorporated into the newly formed Iraqi state after World War I. In 1961, the KDP, then led by founder Mullah Mustafa Barzani, current KDP leader Masud Barzani’s father, began an insurgency that has continued until the fall of Saddam Hussein. At times, the insurgency was suspended during autonomy negotiations with Baghdad. Masud Barzani’s brother, Idris, commanded Kurdish forces against Baghdad during the Iran-Iraq war but was killed in that war. The PUK, headed by Jalal Talabani, split off from the KDP in 1965; the PUK’s members are generally more well-educated, urbane, and left-leaning than those of the KDP. Together, the PUK and KDP have about 75,000 “*peshmergas*” (fighters); some are trained in conventional tactics.

In the aftermath of the 1991 Gulf war, the KDP and the PUK agreed in May 1992 to share power after parliamentary and executive elections. In May 1994, tensions between them flared into clashes, and the KDP turned to Baghdad for backing. In August 1996, Iraqi forces, at the KDP’s invitation, militarily helped the KDP capture PUK-held Irbil, seat of the Kurdish regional government. With U.S. mediation, the Kurdish parties agreed on October 23, 1996, to a cease-fire and the establishment of a 400-man peace monitoring force composed mainly of Turkomens (75% of the force). The United States funded the force with FY1997 funds of \$3 million for peacekeeping (Section 451 of the Foreign Assistance Act), plus about \$4 million in DOD drawdowns (vehicles and communications gear), under Section 552 of the FAA. Also set up was a peace supervisory group consisting of the United States, Britain, Turkey, the PUK, the KDP, and Iraqi Turkomens.

A tenuous cease-fire held after November 1997, and the KDP and PUK leaders signed an agreement in Washington in September 1998 to work toward resolving the main outstanding issues (sharing of revenues and control over the Kurdish regional government). Reconciliation efforts showed substantial progress in 2002 as the Kurds perceived that the United States might act to overthrow the regime of Saddam Hussein. On October 4, 2002, the two Kurdish factions jointly reconvened the Kurdish regional parliament for the first time since their 1994 clashes. In June 2002, the United States gave the Kurds \$3.1 million in new assistance to further the reconciliation process. Key figures in the reconciliation process were KDP and PUK representatives in Washington — Barzani aide Hoshyar Zibari and Talabani aide Barham Salih. Both aides are now key figures in the Iraqi interim government.

In post-Saddam Iraq, both Barzani and Talabani were placed on the IGC, and both were part of the Council’s rotating presidency. Talabani was IGC president during November 2003, and Barzani led the body in April 2004. The Kurdish

parties have negotiated with U.S. authorities to maintain substantial autonomy in northern Iraq in a sovereign, post-occupation Iraq — a demand largely enshrined in the Transitional Administrative Law (interim constitution, see below.) The Kurds' uncertainty about the eventual shape of the post-Saddam political structure has caused the KDP and PUK to combine their political resources and to re-establish joint governance of the Kurdish regions.

Ansar al-Islam/Abu Musab al-Zarqawi. One organization begun by Kurds, Ansar al-Islam, has become decidedly anti-U.S. Ansar al-Islam, which is named by the State Department as a Foreign Terrorist Organization (FTO), originated in the mid-1990s as a Kurdish Islamic faction called the Islamic Movement of Iraqi Kurdistan (IMIK). Based in Halabja, the IIMK publicized the effects of Baghdad's March 1988 chemical attack on that city.

A radical faction of the IIMK split off in 1998, calling itself the Jund al-Islam (Army of Islam). It later changed its name to Ansar al-Islam (Partisans of Islam), first led by Mullah Krekar. Krekar reportedly had once studied under Shaikh Abdullah al-Azzam, an Islamic theologian of Palestinian origin who was the spiritual mentor of Osama bin Laden. Ansar reportedly agreed to host in its northern Iraq enclave Al Qaeda fighters, mostly of Arab origin, who had fled the U.S.-led war in Afghanistan in 2001. This Arab contingent was led by Abu Musab al-Zarqawi, a 37-year-old Jordanian Arab who reputedly fought in Afghanistan during the 1980s alongside other Arab volunteers for the "jihad" against the Soviet Union. Possibly because Ansar was largely taken over by Zarqawi and his Arab associates, Mullah Krekar left Iraq for Norway, where he was detained in August 2002, arrested again in early January 2004, and released again in February 2004.

Prior to Operation Iraqi Freedom, during which its base was captured, about 600 Arab fighters lived in the Ansar al-Islam enclave, near Khurmala.¹³ Ansar fighters clashed with the PUK around Halabja in December 2002, and Ansar gunmen were allegedly responsible for an assassination attempt against PUK prime minister Barham Salih in April 2002. As discussed further below, Zarqawi has now become a major insurgent leader in Iraq, using a new organizational name — Association of Unity and Jihad.

Monarchist Organizations. One opposition group supported the return of Iraq's monarchy. The Movement for Constitutional Monarchy (MCM), is led by Sharif Ali bin al-Hussein, a relative of the Hashemite monarchs (he is a cousin of King Faysal II, the last Iraqi monarch) that ruled Iraq from the end of World War I until 1958. Sharif Ali, who is about 48 and was a banker in London, claims to be the leading heir to the former Hashemite monarchy, although there are other claimants, mostly based in Jordan. The MCM was considered a small movement that could not contribute much to the pre-war overthrow effort, although it was part of the INC and the United States had contacts with it. In the post-Saddam period, Sharif Ali returned to Iraq on June 10, 2003. Neither Sharif Ali nor any of his followers was appointed to the IGC or the interim government.

¹³ Chivers, C.J. "Repulsing Attack By Islamic Militants, Iraqi Kurds Tell of Atrocities." *New York Times*, Dec. 6, 2002.

Shiite Islamist Leaders and Organizations: Ayatollah Sistani, SCIRI, Da'wa Party, Moqtada al-Sadr, and Others. Shiite Islamist organizations constitute major factions in post-Saddam Iraq. Shiite Muslims constitute about 60% of the population but have been under-represented in every Iraqi government since modern Iraq's formation in 1920.

Grand Ayatollah Ali al-Sistani. Grand Ayatollah Sistani has emerged as a major political force, but he is about 75 years old and suffers from heart-related problems that required him to travel to the United Kingdom for medical treatment on August 6, 2004. Sistani is the most senior of the Shiite clerics that lead the Najaf-based "Hawza al-Ilmiyah," a grouping of seminaries. His status as supreme "*marja-e-taqlid*," or source of emulation, is recognized by Shiites worldwide. Other senior Hawza clerics include Ayatollah Mohammad Sa'id al-Hakim, uncle of the slain leader of the Supreme Council of the Islamic Revolution (SCIRI) in Iraq, Mohammad Baqr al-Hakim; Ayatollah Mohammad Isaac Fayadh, who is of Afghan origin; and Ayatollah Bashir al-Najafi. Such mainstream groups as SCIRI and the Da'wa Party, have aligned themselves with Sistani in post-Saddam Iraq.

Sistani was born in Iran and studied in Qom, Iran, before relocating to Najaf at the age of 21. He became head of the Hawza when his mentor, Ayatollah Abol Qasem Musavi-Khoi, died in 1992. After spending most of the 1990s lecturing and avoiding official scrutiny, Sistani has become more active politically since the fall of Saddam, as discussed below. In August 2004, he underwent heart surgery in Britain, which removed him for most of August from direct efforts to calm the Sadr (see below) uprising that began August 5. He returned to Iraq on August 25 and said that he would take an active role in trying to end the violence.

Sistani opposes a direct role for clerics in government, but believes in clerical guidance and supervision of political leaders. He wants Iraq to maintain its Islamic culture and not to become secular and Westernized. He favors modest dress for women and curbs on alcohol consumption and Western-style music and entertainment. On the other hand, his career does not suggest that he favors a repressive regime and he does not have a record of supporting extremist Shiite organizations such as Lebanese Hezbollah.

Supreme Council for the Islamic Revolution in Iraq (SCIRI). SCIRI is perhaps the best organized of the Shiite Islamist parties. It was set up in 1982, composed mainly of ex-Da'wa Party members, to increase Iranian control over Shiite opposition movements in Iraq and the Persian Gulf states. It was a member of the INC in the early 1990s, but distanced itself from that organization in the mid-1990s. Unlike most INC-affiliated parties, SCIRI had refused throughout the 1990s to work openly with the United States or accept U.S. funds, although it had contacts with the United States during this period.

SCIRI's former leader, Ayatollah Mohammad Baqr al-Hakim, was the choice of Ayatollah Ruhollah Khomeini of Iran to head an Islamic republic of Iraq. Khomeini enjoyed the protection of Mohammad Baqr's father, Grand Ayatollah Muhsin al-Hakim, when Khomeini was in exile in Najaf during 1964-1978. (Ayatollah Muhsin al-Hakim was head of the Hawza al-Ilmiyah at that time.) SCIRI and Mohammad Baqr had been based in Iraq after 1980, during a major crackdown

by Saddam Hussein, who feared that Iraqi Shiites were inspired by the Iranian Islamic revolution to overthrow his Baathist government. Mohammad Baqr was killed in a car bomb in Najaf on August 29, 2003, about a month after he returned to Iraq from exile in Iran. Mohammad Baqr's younger brother, Abd al-Aziz al-Hakim, who is a lower ranking Shiite cleric, subsequently took over SCIRI, and served on the IGC. He was president of the IGC during December 2003. His key aide is Adel Abd al-Mahdi, who was named Finance Minister in the interim government.

SCIRI is aligned with Ayatollah Sistani and has echoed his call for direct elections. SCIRI says it does not seek to establish an Iranian-style Islamic republic. U.S. officials have expressed some mistrust of SCIRI's goals, its ties to Iran, and its fielding of the Badr Brigades militia, but it is viewed as far more restrained than Moqtada al-Sadr's faction. SCIRI's Badr Brigades number about 10,000-15,000 militiamen throughout southern Iraq. During the 1980s and 1990s, Brigade fighters conducted forays from Iran into southern Iraq to attack Baath Party officials there. Iran's Revolutionary Guard, which is politically aligned with Iran's hard line civilian officials, has been the key patron of the Badr Brigades, providing them with weapons, funds, and other assistance; the Brigades fought alongside the Guard against Iraqi forces during the Iran-Iraq war. However, many Iraqi Shiites view SCIRI as an Iranian creation and SCIRI/Badr Brigade operations in southern Iraq prior to Operation Iraqi Freedom did not spark broad popular unrest against the Iraqi regime. In post-Saddam Iraq, the Badr Brigades have formally renamed themselves the "Badr Organization," reflecting an effort to appear as civilian entities.

Da'wa Party. The Da'wa Party, Iraq's oldest Shiite Islamist grouping is aligned with Sistani and SCIRI. The Da'wa (Islamic Call) Party was founded in 1957 by a revered Iraqi Shiite cleric, Ayatollah Mohammed Baqr Al Sadr, then an associate of Ayatollah Khomeini (and uncle of Moqtada al-Sadr). It was the most active Shiite opposition movement in the few years following Iran's Islamic revolution in February 1979; Da'wa activists conducted guerrilla attacks against the Baathist regime and attempted assassinations of senior Iraqi leaders, including Tariq Aziz. Ayatollah Baqr Al Sadr was hung by the Iraqi regime in 1980 for the unrest, and many other Da'wa activists were killed or imprisoned. After the Iraqi crackdown, many surviving Da'wa leaders moved into Iran; some subsequently joined SCIRI, but others rejected Iranian control of Iraq's Shiite groups and continued to affiliate only with Da'wa. Da'wa has fewer Shiite clerics in its ranks than does SCIRI.

In post-Saddam Iraq, a senior Da'wa leader, Ibrahim Jafari, and its leader in Basra, Abd al Zahra Mohammad (also known as Izzaddin Salim) served on the IGC. Salim was killed on May 17, 2004 in a suicide bombing while serving as president of the IGC. Also on the IGC was a former Da'wa member turned human rights activist, Muwaffaq Al-Ruba'i. Jafari was one of the nine rotating IGC presidents; he was first to hold that post (August 2003), and he is now a deputy president in the interim government.

The Kuwaiti branch of the Da'wa Party allegedly was responsible for a May 1985 attempted assassination of the Amir of Kuwait and the December 1983 attacks on the U.S. and French embassies in Kuwait. The Hizballah organization in Lebanon was founded by Lebanese clerics loyal to Ayatollah Baqr Al Sadr and Iran's

Ayatollah Khomeini, and there continue to be personal and ideological linkages between Lebanese Hizballah and the Da'wa Party. The Hizballah activists who held U.S. hostages in that country during the 1980s often attempted to link release of the Americans to the release of 17 Da'wa Party prisoners held by Kuwait for those attacks in the 1980s. Some Iraqi Da'wa members look to Lebanon's senior Shiite cleric Mohammed Hossein Fadlallah, who was a student and protege of Ayatollah Mohammed Baqr Al Sadr, for spiritual guidance; Fadlallah also reportedly perceives himself a rival of Sistani as a pre-eminent Shiite authority figure. The linkages between Iraqi and Lebanese Shiites could explain reports that security personnel and other activists from Lebanese Hizballah have entered Iraq since the fall of Saddam Hussein, although other explanations include an effort by Iran to work through Lebanese Hizballah to build leverage in southern Iraq.¹⁴

Moqtada al-Sadr/Mahdi Army.¹⁵ Members of the clan of the late Ayatollah Mohammed Baqr al-Sadr, the founder of the Da'wa Party, have become highly active in post-Saddam Iraq. The clan, based in Iraq during Saddam Hussein's rule, was repressed and limited its politically activity during that time. The United States had no contact with this clan prior to the 2003 war. Although the Sadr clan has traditionally been identified with the Da'wa Party, most members of the clan currently do not identify with that party. Some relatives of the clan are in Lebanon, and the founder of what became the Shiite Amal (Hope) party in Lebanon was a Sadr clan member, Imam Musa Sadr, who died in murky circumstances on a visit to Libya in 1978. The Sadr grouping was not represented on the IGC, nor is it represented in the interim government.

Another revered member of the clan, Ayatollah Mohammed Sadiq al-Sadr, and two of his sons, were killed by Saddam's security forces in 1999 after Ayatollah Sadiq al-Sadr began publicly opposing Saddam's government. His lone surviving son, Moqtada, who is about 30 years old (born in 1974), has gained a prominent role in post-Saddam Shiite politics by adopting hard-line positions against the occupation. Sadr has a significant following among poorer Shiites in southern Iraq and a Baghdad district renamed "Sadr City," which has a population of about 2 million.

Sadr is viewed by most Iraqi Shiites, including Sistani, as a young radical who lacks religious and political weight. To compensate for his lack of religious credentials, he has sought spiritual authority for his actions from his teacher, Ayatollah Kazem Haeri, who lives in Qom, Iran. Sadr believes Sistani is too willing to compromise with U.S. and Iraqi authorities. There is also a personal dimension to the rift; Sadr's father, Mohammad Sadiq, had been a rival of Sistani for pre-eminent Shiite religious authority in Iraq. The widespread view of Sadr as an impulsive radical began on April 10, 2003, when his supporters allegedly stabbed to death Abd al-Majid Khoi, the son of the late Grand Ayatollah Khoi, shortly after Khoi's U.S.-backed return to Najaf from exile in London. Khoi had headed the Khoi Foundation, based in London.

¹⁴ Risen, James. "Hezbollah, in Iraq, Refrains from Attacks on Americans." *New York Times*, Nov. 24, 2003.

¹⁵ See also White, Jeffrey. "To the Brink: Muqtada Al Sadr Challenges the United States." Washington Institute for Near East Policy, Policywatch 794. Oct. 17, 2003.

Sadr has used his Friday prayer sermons in Kufa (near Najaf) and other forums to denounce the IGC as a puppet of the U.S. occupation and to call for an Islamic state. In July 2003, Sadr and his aides began recruiting for an Islamic army (the “Mahdi Army”), at first unarmed, to challenge the U.S. occupation. Sadr supporters published anti-U.S. newspapers and held anti-U.S. demonstrations.

Sadr’s first uprising began on April 4, 2004, after Sadr’s paper, “Al Hawza al-Natiqa” (the Vocal Hawza”) was closed by U.S. authorities in late March 2004 on allegations of incitement. This caused Sadr to arm his Mahdi Army militia and to openly back violence against U.S. forces. Three days of major Sadr faction clashes with U.S. and coalition forces in Baghdad, Najaf, and other cities ensued (April 4-6, 2004). On April 5, 2004, U.S. authorities revealed that an Iraqi judge had, several months ago, issued an arrest warrant for Sadr’s arrest for the killing of Khoi. His armed followers seized police stations and local governing buildings in several cities in southern Iraq, but U.S. and coalition forces retook these cities. U.S. forces focused on defeating the Mahdi Army but were reportedly divided on how aggressively to try to capture or kill Sadr, possibly fearing a major backlash. In late May 2004, possibly in response to U.S. military pressure and Sadr’s failure to rally broad Shiite support, Sadr agreed to a negotiated solution that would spare him prosecution in exchange for withdrawing the Mahdi Army from Najaf. However, on August 5, 2004, another Sadr uprising began after a clash in Najaf between Sadr and U.S. forces. U.S. and Iraqi forces have since been battling and mostly defeating Mahdi forces in and around the Imam Ali shrine, the purported tomb of Imam Ali. Shiites believe that Ali was illegitimately deprived of the leadership of early Islam.

Other Shiite Organizations and Militias. Another Shiite Islamist organization, the Islamic Amal (Action) Organization, has traditionally been allied with SCIRI, although some reports in May 2004 say it might be aligning itself with Sadr. In the early 1980s, Islamic Amal was under the SCIRI umbrella but later broke with it. It is headed by Ayatollah Mohammed Taqi Modarassi, a Shiite cleric who returned to Iraq from exile in Iran in April 2003, after Saddam Hussein’s regime fell. Islamic Amal, the stronghold of which is Karbala, conducted attacks against Saddam Hussein’s regime in the 1980s. However, it does not appear to have a following nearly as large as other Shiite Islamist groups. Modarassi’s brother, Abd al-Hadi, headed the Islamic Front for the Liberation of Bahrain, which tried to stir up Shiite unrest against the Bahrain regime in the 1980s and 1990s.

A variety of press reports say that some other Shiite militias are operating in southern Iraq. One such militia is derived from the fighters who challenged Saddam Hussein’s forces in the marsh areas of southern Iraq, around the town of Amara, north of Basra. It goes by the name Hizbollah (Party of God)-Amara, and it is headed by marsh guerrilla leader Abdul Karim Muhammadawi, nicknamed “Prince of the Marshes” who was on the IGC.

The Mid-1990s: Schisms Among Anti-Saddam Groups

In the mid-1990s, differences among the various anti-Saddam organizations led to the near collapse of the U.S. regime change effort. As noted above, in May 1994, the KDP and the PUK began clashing with each other over territory, customs revenues levied at border with Turkey, and control over the Kurdish enclave’s

government based in Irbil. The infighting contributed to the defeat of an INC offensive against Iraqi troops in March 1995; the KDP pulled out of the offensive at the last minute. Although it was repelled, the offensive did initially overrun some of the poorly motivated front-line Iraqi units. Some INC leaders pointed to the battle as an indication that the INC could have succeeded militarily had it received more U.S. funding and training in the 1990s.

The infighting in the opposition in the mid-1990s caused the United States to briefly revisit the “coup strategy” by renewing ties to the INA.¹⁶ A new opportunity to pursue that strategy came in August 1995, when Saddam’s son-in-law Hussein Kamil al-Majid — architect of Iraq’s weapons of mass destruction programs — defected to Jordan, suggesting that Saddam’s grip on the military and security services was weakening. After that defection, Jordan’s King Hussein agreed to allow the INA to operate from Jordan. However, the INA was ultimately penetrated by Iraq’s intelligence services and, in June 1996, Baghdad dealt it a serious setback by arresting or executing over 100 INA sympathizers in the military.

Baghdad went on the offensive against both the INA, as well as the INC, in mid-1996, culminating with the August 1996 incursion into northern Iraq, at the invitation of the KDP. Iraq not only helped the KDP capture Irbil from the PUK, but Saddam’s forces took advantage of their presence in northern Iraq to strike against the INC base in Salahuddin, a city in northern Iraq, as well as against remaining INA operatives throughout the north. During the incursion in the north, Iraq reportedly executed two hundred oppositionists and arrested 2,000 others. The United States evacuated from northern Iraq and eventually resettled in the United States 650 mostly INC activists.

Rebounding From the Setbacks. For the two years following the opposition’s 1996 setbacks, the Clinton Administration had little contact with the opposition. In those two years, the INC, INA, and other opposition groups attempted to rebuild their organizations and their ties to each other, although with mixed success. On February 26, 1998, then Secretary of State Madeleine Albright testified to a Senate Appropriations subcommittee that it would be “wrong to create false or unsustainable expectations” of the effect of U.S. support for the opposition.

During 1997-1998, Iraq’s obstructions of U.N. weapons of mass destruction (WMD) inspections led to growing congressional calls to overthrow Saddam, although virtually no one in Congress or outside was advocating a U.S.-led military invasion to accomplish that. A formal congressional push for a regime change policy began with an FY1998 supplemental appropriation (P.L. 105-174, signed May 1, 1998) that, among other provisions, earmarked \$5 million in Economic Support Funds (ESF) for the opposition and \$5 million for a Radio Free Iraq, under the direction of Radio Free Europe/Radio Liberty (RFE/RL). The radio service began broadcasting in October 1998, from Prague. Of the ESF, \$3 million was devoted to an overt program to coordinate and promote cohesion among the various opposition factions, and to highlighting Iraqi violations of U.N. resolutions. The remaining \$2 million was used to translate and publicize documented evidence of alleged Iraqi war

¹⁶ An account of this shift in U.S. strategy is essayed in Hoagland, Jim. “How CIA’s Secret War On Saddam Collapsed.” *Washington Post*, June 26, 1997.

crimes; the documents were retrieved from the Kurdish north, placed on 176 CD-ROM diskettes, and translated and analyzed by experts under contract to the U.S. government. In subsequent years, Congress appropriated funding for the Iraqi opposition and for war crimes issues (see appendix). Some of the war crimes funding went to the opposition-led INDICT (International Campaign to Indict Iraqi War Criminals) organization for publicizing Iraqi war crimes issues.

Iraq Liberation Act (ILA). A clear indication of congressional support for a more active U.S. overthrow effort was encapsulated in another bill introduced in 1998: the Iraq Liberation Act (H.R. 4655, P.L. 105-338, signed October 31, 1998). The ILA was widely interpreted as an expression of congressional support for the concept, advocated by Chalabi and some U.S. experts, of promoting an insurgency by using U.S. air-power to expand opposition-controlled territory. President Clinton signed the legislation, despite doubts about the opposition's capabilities. The ILA:

- made the previously unstated policy of promoting regime change in Iraq official policy by stating that it should be the policy of the United States to "support efforts" to remove the regime headed by Saddam Hussein. In mid-November 1998, President Clinton publicly articulated that regime change was a component of U.S. policy toward Iraq.
- gave the President authority to provide up to \$97 million in defense articles and services, as well as \$2 million in broadcasting funds, to opposition organizations to be designated by the Administration.
- Did not specifically provide for its termination after Saddam Hussein is removed from power, and Section 7 of the ILA provides for continuing post-Saddam "transition assistance" to Iraqi parties and movements with "democratic goals."

Operation "Desert Fox"/First ILA Designations. Immediately after the signing of the ILA, the series of crises over U.N. weapons inspections in Iraq came to a head. On December 15, 1998, U.N. inspectors were withdrawn, and a three-day U.S. and British bombing campaign against suspected Iraqi WMD facilities followed (Operation Desert Fox, December 16-19, 1998). Immediately after Desert Fox, career diplomat Frank Ricciardone was named as State Department "Coordinator for the Transition in Iraq" — chief liaison with the opposition. On February 5, 1999, the President issued a determination (P.D. 99-13) that the following anti-Saddam groups would be eligible to receive U.S. military assistance under the ILA: the INC; the INA; SCIRI; the KDP; the PUK; the Islamic Movement of Iraqi Kurdistan (IMIK); and the pro-monarchist Movement for Constitutional Monarchy (MCM). (Because of its role in the eventual formation of Ansar al-Islam, the IIMIK did not receive U.S. funds after 2001, although it was not formally taken off the ILA eligibility list.)

In May 1999, in concert with an INC visit to Washington, the Clinton Administration announced a draw down of \$5 million worth of training and "non-lethal" defense articles under the ILA. During 1999-2000, about 150 opposition members underwent civil administration training at Hurlburt air base in Florida, including attending Defense Department-run courses providing civil affairs training

in skills needed to run a post-Saddam government. The Clinton Administration asserted that the opposition was not sufficiently organized to receive weaponry or combat training, a restriction that reflected doubts within the Clinton Administration over the viability of the opposition, and concerns that the United States might become militarily embroiled in civil conflict in Iraq. (The Hurlburt trainees were not brought into Operation Iraqi Freedom or into the Free Iraqi Forces that deployed to Iraq toward the end of the active combat phase of the war.)

Bush Administration Policy

Bush Administration policy toward Iraq started out similar to that of its predecessor's, but policy changed dramatically after the September 11, 2001 terrorist attacks. Some recent accounts assert that the Administration was planning, well prior to September 11, 2001, to confront Iraq militarily; others say that the shift toward a more assertive policy first became clear in President Bush's State of the Union message on January 29, 2002. In that speech, he characterized Iraq as part of an "axis of evil," along with Iran and North Korea.

Pre-September 11: Reinforcing Containment. Throughout most of its first year, the Bush Administration continued the basic elements of Clinton Administration policy on Iraq. With no immediate consensus on whether or how to pursue an overthrow strategy, Secretary of State Powell focused on strengthening containment of Iraq, which the Bush Administration said had eroded substantially in the few preceding years. Secretary Powell visited the Middle East in February 2001 to enlist regional support for a "smart sanctions" plan — modification of the U.N. sanctions regime and "oil-for-food" program to improve international enforcement of the U.N. ban on exports of weapons-related technology to Iraq. The plan offered to relax U.N. restrictions on exports to Iraq of purely civilian equipment.¹⁷

The Administration believed that the "smart sanctions" proposal, by easing the suffering of the Iraqi people, would cause Iraq's neighbors and other countries to cease unilateral violations of the sanctions regime. Secretary Powell, who had openly expressed skepticism about the opposition's prospects, barely raised the regime change issue during his trip or in his March 7, 2001, testimony before the House International Relations Committee, at which he was questioned about Iraq.¹⁸ After about a year of Security Council negotiations, the major feature of the smart sanctions plan — new procedures that virtually eliminated U.N. review of civilian exports to Iraq — was adopted on May 14, 2002 (U.N. Resolution 1409).

Even though several senior officials had been strong advocates of a regime change policy, many of the persistent questions about the wisdom and difficulty of

¹⁷ For more information on this program, see CRS Report RL30472, *Iraq: Oil For Food Program, Sanctions, and U.S. Policy*.

¹⁸ Perlez, Jane. "Powell Goes on the Road and Scores Some Points." *New York Times*, Mar. 2, 2001.

that strategy were debated early in the Bush Administration,¹⁹ and the Administration did little to openly promote that outcome throughout most of its first year. During his confirmation hearings as Deputy Secretary of Defense, a leading advocate of overthrowing Iraq's regime, Paul Wolfowitz, said that he did not yet see a "plausible plan" for changing the regime. Like its predecessor, the Bush Administration initially declined to provide the opposition with lethal aid, combat training, or a commitment of direct U.S. military help.

Post-September 11: Moving Toward Regime Change. Bush Administration policy toward Iraq became notably more assertive after the September 11, 2001 attacks, stressing regime change and asserting that containment was failing. After the U.S.-led war on the Taliban and Al Qaeda in Afghanistan began in early October 2001, speculation began building that the Administration might try to change Iraq's regime through direct use of military force as part of a "phase two" of the war on terrorism. Some U.S. officials, particularly deputy Defense Secretary Wolfowitz, asserted that the United States needed to respond to the September 11, 2001 attacks by ending any or all regimes that support terrorist groups, including Iraq. Vice President Cheney visited the Middle East in March 2002 reportedly to consult regional countries about the possibility of confronting Iraq militarily, although the countries visited reportedly urged greater U.S. attention to the Arab-Israeli dispute and opposed confrontation with Iraq. Recent accounts, including the book "Plan of Attack," by Bob Woodward (published in April 2004), say that Secretary of State Powell and others were concerned about the potential consequences of an invasion of Iraq, particularly the difficulties of building a democratic and peaceful political structure after major hostilities ended.

The two primary themes in the Bush Administration's public case for confronting Iraq were (1) its purported refusal to end its WMD programs, and (2) its ties to terrorist groups, to which Iraq might transfer WMD for conduct of a catastrophic attack on the United States. President Bush did not assert that Iraq was an imminent or immediate threat to U.S. security, but he called Iraq a "grave and gathering" threat that should be blunted before the threat became imminent. The Administration added that regime change would yield the further benefit of liberating the Iraqi people and promoting stability and democracy in the Middle East.

Iraq and Al Qaeda. Iraq was a designated state sponsor of terrorism during 1979-82, and was again designated after the 1990 invasion of Kuwait. Although they did not assert that Saddam Hussein's regime had a direct connection to the September 11 attacks or the subsequent anthrax mailings, senior U.S. officials said in the runup to the war that there was evidence of Iraqi linkages to Al Qaeda. The final report by the bipartisan commission on the September 11 attacks found no evidence of an operational linkage between Saddam's regime and Al Qaeda. (Iraq remains on the terrorism list, despite the change of regime, although some expect it to be removed when an elected government takes office.) For further discussion, see CRS Report RL32217, *Iraq and Al Qaeda: Allies or Not?*

¹⁹ One account of Bush Administration internal debates on the strategy is found in Hersh, Seymour. "The Debate Within." *The New Yorker*, Mar. 11, 2002.

WMD Threat Perception. Senior U.S. officials asserted the following about Iraq's WMD: (1) that Iraq had worked to rebuild its WMD programs in the nearly four years since U.N. weapons inspectors left Iraq and had failed to comply with 17 U.N. resolutions, including Resolution 1441 (November 8, 2002) that demanded complete elimination of all of Iraq's WMD programs; (2) that Iraq had used chemical weapons against its own people (the Kurds) and against Iraq's neighbors (Iran), implying that Iraq would not necessarily be deterred from using WMD against the United States or its allies. Critics noted that, under the U.S. threat of massive retaliation, Iraq did not use WMD against U.S. troops in the 1991 Gulf war. On the other hand, Iraq defied U.S. warnings of retaliation and did burn Kuwait's oil fields in that war; and (3) that Iraq could transfer its WMD to terrorists, particularly Al Qaeda, that could use these weapons to cause hundreds of thousands of deaths in the United States or elsewhere. For further discussion, see CRS Report RL32379, *Iraq: Former Regime Weapons Programs, Human Rights Violations, and U.S. Policy*.)

Broadening the Iraqi Opposition. As it began in mid-2002 to prepare for possible military action against Iraq, the Bush Administration tried to build up the Iraqi opposition. On June 16, 2002, the *Washington Post* reported that, in early 2002, President Bush authorized stepped up covert activities by the CIA and special operations forces to destabilize Saddam Hussein. In August 2002, the State and Defense Departments jointly invited six major opposition groups — the INC, the INA, the KDP, the PUK, SCIRI, and the MCM — to Washington for meetings with senior officials, including a video link to Vice President Cheney.

At the same time, the Administration expanded its ties to groups composed of ex-military officers, as well as to some ethnic-based groups; some of these groups are active in post-Saddam Iraq. These groups included the Iraqi National Movement, a 2001 offshoot of the INC; the Iraqi National Front, founded in March 2000; the Iraqi Free Officers and Civilians Movement, founded in 1996; the Higher Council for National Salvation, headed by a former head of Iraqi military intelligence;²⁰ the Iraqi Turkmen Front, a small, ethnic-based group, considered aligned with Turkish policy;²¹ the Islamic Accord of Iraq, a Damascus-based Shiite Islamic Party; and the Assyrian Democratic Movement, which is headed by Yonadam Yousif Kanna. Iraq's Assyrians are based primarily in northern Iraq, but there is a substantial diaspora community living in the United States; the group began integrating into the broader opposition front in September 2002. Kanna served on the IGC. On December 9, 2002, the Administration made six of these factions (not the Higher Council for National Salvation) eligible to receive ILA draw-downs, and he authorized the remaining \$92 million worth of goods and services available under the ILA for those groups, as well as for the INA, the INC, the KDP, the PUK, SCIRI, and the MCM.

²⁰ Ex-chief of staff of Iraq's military Nizar al-Khazraji, who was based in Denmark since fleeing Iraq in 1996, may also be a member of this group. He is under investigation there for alleged involvement in Iraq's use of chemical weapons against the Kurds in 1988. His current whereabouts are unknown.

²¹ Turkomens, who are generally Sunni Muslims, number about 350,000 and live mainly in northern Iraq.

The Opposition As War Approaches. The Bush Administration applauded efforts during 2001 and 2002 by the ex-military led groups to coordinate with each other and with other groups. One such meeting, in July 2002 in London and jointly run with the INC, attracted over 70 ex-military officers. As U.S. military action against Iraq approached, the Administration also began a program to train about 5,000 oppositionists in tasks that could assist U.S. forces, possibly including combat units.²² An initial group of 3,000 was selected, but only about 70 of them completed training at an air base (Taszar) in Hungary.²³ These recruits served with U.S. forces in Operation Iraqi Freedom (OIF) as translators and mediators between U.S. forces and local leaders.

As 2002 drew to a close, the opposition began planning its role in the war and post-Saddam Iraq. During December 14-17, 2002, with U.S. officials attending, major Iraqi opposition groups met in London and sought to declare a provisional government. The Administration opposed that step on the grounds that doing so would give the impression that the United States was backing the exile groups to dominate post-war Iraq politically. Major opposition groups met again (in northern Iraq) in late February 2003, forming a committee to prepare for a transition regime. In attendance was Adnan Pachachi, who served as foreign minister and ambassador to the United Nations during the 1950s and 1960s, under the military governments of Qasim and “the Arif brothers” (see above). Pachachi, who is about 80, lived in the UAE during Saddam Hussein’s rule and heads a small party called the “Iraqi Independent Democrats.” He was one of the rotating presidents of the IGC (January 2004), and was a U.S. favorite to be president of the interim government.

Decision to Launch Military Action. As U.N. inspectors worked in Iraq under the new mandates provided in Resolution 1441, the Administration demanded complete disarmament by Iraq to avert military action. In an effort to garner international support for a U.S.-led war, the Administration downplayed the goal of regime change in President Bush’s September 12, 2002, speech before the United Nations General Assembly, stressing instead the need to enforce U.N. resolutions on Iraq. The Administration stressed the regime change goal after February 2003 as diplomacy at the United Nations ran its course.

In mid-March 2003, U.N. diplomacy over whether the U.N. Security Council should authorize war broke down. The impasse followed several briefings for the U.N. Security Council by the director of the U.N. inspection body UNMOVIC (U.N. Monitoring, Verification, and Inspection Commission) Hans Blix and the director of the International Atomic Energy Agency (IAEA), Mohammad al-Baradei, most recently on March 7, 2003. The briefings, based on WMD inspections that resumed November 27, 2002, under Resolution 1441, were generally critical of Iraq for failing to pro-actively cooperate to clear up outstanding questions about Iraq’s WMD program. However, the latter two briefings (February 24 and March 7, 2003) noted progress in clearing up some outstanding questions. The Blix/Baradei

²² Deyoung, Karen, and Daniel Williams. “Training of Iraqi Exiles Authorized.” *Washington Post*, Oct. 19, 2002.

²³ Williams, Daniel. “U.S. Army to Train 1,000 Iraqi Exiles.” *Washington Post*, Dec. 18, 2002.

briefings said Iraq had not accounted for its past WMD, but that banned WMD had not been uncovered and that it was not certain that Iraq retained any WMD. The inspectors reported few, if any, Iraqi obstructions in about 700 inspections of about 400 different sites. Iraq declared short range ballistic missiles that were determined by Blix to be of prohibited ranges, and Blix ordered Iraq to destroy them; Iraq began the destruction prior to the launching of the war.

Security Council opponents of war, including France, Russia, China, and Germany, said the WMD inspections showed that Iraq could be disarmed peacefully or contained indefinitely. On the Security Council, the United States, along with Britain, Spain, and Bulgaria, maintained that Iraq had not fundamentally decided to disarm. At a March 16, 2003, summit meeting with the leaders of Britain, Spain, and Bulgaria at the Azores, President Bush asserted that diplomatic options to disarm Iraq peacefully had failed. The following evening, President Bush gave Saddam Hussein and his sons, Uday and Qusay, an ultimatum to leave Iraq within 48 hours to avoid war. They refused the ultimatum, and Operation Iraqi Freedom was launched on March 19, 2003.

In the war, Iraq's conventional military forces were overwhelmed by U.S. and British forces in Operation Iraqi Freedom (OIF), although Iraqi units and irregulars, at times, put up stiff resistance and used unconventional tactics. No major Iraqi military commanders or Baathist political figures came forward to try to establish a post-Saddam government; regime leaders fled Baghdad. No WMD was used, although Iraq did fire some ballistic missiles into Kuwait. It is not clear whether those missiles were of prohibited ranges (greater than 150 km). As noted above, the regime vacated Baghdad on April 9, 2003, although Saddam appeared publicly with supporters that day in a district of Baghdad where he was popular.

Organs of the U.S. government are attempting to uncover evidence of gross human rights abuses and other violations of the regime of Saddam Hussein, including evidence of WMD, as well as to capture senior members of the former regime. For information, see CRS Report RL32379, *Iraq: Former Regime Weapons Programs, Human Rights Violations, and U.S. Policy*.

Post-Saddam Governance and Transition²⁴

Since the former regime vacated Baghdad, there has been intensified debate about U.S. policy toward Iraq as the insurgency and violence have persisted. The outcome of the debate will likely depend on the duration and intensity of continued resistance; the numbers of U.S. casualties; the amount of WMD found, if any; the pace of reconstruction; and the stability and orientation of Iraq's government.

²⁴ Some of the information in this section was obtained during author's participation in a congressional delegation to Iraq during Feb. 26-Mar. 2, 2004. The visit to Baghdad, Basra, and Tallil included meetings with CPA head L. Paul Bremer, the commander of U.S. forces in Iraq Lt. Gen. Ricardo Sanchez, and various local and national Iraqi political figures and other CPA, U.S., and coalition military officials.

As the hand over of sovereignty to Iraqis approached, President Bush said in several speeches that there was positive movement on major issues and that the United States should “stay the course” by implementing the political transition roadmap discussed below. Some observers say that insurgency and violence in Iraq, which have continued despite the handover, suggests major difficulty for U.S. policy and that new steps should be considered. Some options include renewed steps to get additional major force contributions into Iraq, or adding more U.S. troops. A small number of commentators have suggested that the United States should withdraw militarily and politically, although many observers say such a step would lead to chaos in Iraq and its transformation into a base for terrorists.

Immediate Post-Saddam Period and the Coalition Provisional Authority (CPA). After the fall of the regime, the United States set up an occupation structure, a decision reportedly based on Administration concerns that immediate sovereignty would likely result in infighting among major factions. The Bush Administration initially tasked Lt. Gen. Jay Garner (ret.) to direct reconstruction, with a staff of U.S. diplomats and other U.S. government personnel who served as advisers and administrators in Iraq’s various ministries. He headed the Office of Reconstruction and Humanitarian Assistance (ORHA), within the Department of Defense, created by a January 20, 2003 executive order. Garner and about 200 of his staff deployed to Iraq in April 2003.

Garner’s focus was to try to quickly establish a representative successor Iraqi regime. Garner organized a meeting in Nasiriyah (April 15, 2003) of about 100 Iraqis of varying ideologies; many of the attendees were representatives of Iraqi tribal groupings and emerging political movements. A follow-up meeting of about 250 delegates was held in Baghdad on April 26, 2003, ending in agreement to hold a broader meeting, within a month, to name an interim Iraqi administration. In parallel, the following seven major exile parties began a series of meetings, with U.S. envoys present: SCIRI, the INC, the INA, the PUK, the KDP, the Da’wa Party, and a smaller group, the National Democratic Party of Iraq.

Press reports said that senior U.S. officials were dissatisfied with Garner’s perceived lax approach to post-Saddam security and that they feared that Garner’s political transition process would lead to domination by the major exile parties. In early May 2003, senior U.S. officials ended this process of selecting a transition regime and, on May 6, 2003, the Administration named former ambassador L. Paul Bremer to replace Garner as head of the overall Iraq effort. He arrived in Iraq on May 12, 2003, to head the “Coalition Provisional Authority” (CPA), which subsumed ORHA. U.S. officials refer to the CPA as an occupying authority recognized by U.N. Security Council Resolution 1483 (May 22, 2003).

The major exile parties criticized the U.S. decision to cut Garner’s political process short. Partly in response to the criticism, Bremer said on June 23, 2003 that he would appoint a 25- to 30-member Iraqi body that would have “real authority”

(though not formal sovereignty). Bremer said the “Governing Council” would nominate ministry heads, recommend policies, and draft a new constitution.²⁵

Another alteration of the U.S. post-war structure was made public in early October 2003; the White House announced that an “Iraq Stabilization Group” under the direction of National Security Adviser Condoleezza Rice would coordinate interagency support to the CPA in Iraq. A senior Rice aide, Robert Blackwill, is the NSC’s primary official working on the Iraq transition. The U.S. Administration’s post-war policy largely discarded U.S. State Department plans, which had supported a group of Iraqi exiles to address issues that would confront a successor government.²⁶ The State Department initiative, called the “Future of Iraq Project,” does not appear to have significant influence on any post-war regime decision-making in Iraq, although some Iraqis who participated are now in various Iraqi official bodies. Some experts believe the Defense Department was promoting a competing or separate group of exiles.²⁷ The State Department project, which cost \$5 million, consisted of about 15 working groups on each major issue.

The Iraqi Governing Council (IGC). On July 13, 2003, the “Iraq Governing Council (IGC)” was unveiled, appointed by the CPA. It was dominated by major exile parties but contained prominent Iraqis who were never in exile. It had three women and included Shiites, Sunni Arabs, Kurds, and others. (It voted to dissolve on June 1, 2004, in concert with the naming of the interim government.)

Shiites. There were 13 Shiites on the IGC, of which six were Islamists. One seat was held by SCIRI directly (Abd al-Aziz Al Hakim); one was held by marsh guerrilla leader Abdul Karim al-Muhammadawi; two were Da’wa Party leaders (Ibrahim al-Jafari and Abdul Zahra Mohammad, also known as Izzaddin Salim) and one was a former Da’wa member (Muwaffaq al-Ruba’i). The sixth was independent, moderate cleric, Mohammad Bahr al-Ulum, who headed the Ahl al-Bayt charity center in London since the 1980s. The remaining seven Shiites, including Chalabi and Allawi, were secular; and two were women. The others were civil society leaders and the head of the Iraqi Communist Party (Hamid al-Musa), which is making a comeback in Iraq. It had been allied with Saddam Hussein’s Baath Party in the 1950s and 1960s but was purged and repressed by the Baathists after the party took power for the second time in 1968. It has resumed open activities in post-Saddam Iraq.²⁸

Sunni Arabs. Five Sunni Muslim Arabs were on the IGC, including National Democratic Party leader Nasir al-Chadirchy; Adnan Pachachi; Samir Shakir al-

²⁵ Transcript: “Bremer Reviews Progress, Plans for Iraq Reconstruction.” *Washington File*, June 23, 2003.

²⁶ “State Department Hosts Working Group Meeting for Future of Iraq Project,” *Washington File*, Dec. 11, 2002.

²⁷ Fineman, Mark, Robin Wright, and Doyle McManus. “Preparing for War, Stumbling to Peace.” *Los Angeles Times*, July 18, 2003.

²⁸ Constable, Pamela. “Iraqi Communists Make a Comeback.” *Washington Post*, Jan. 29, 2004.

Sumaidy, a civil engineer; and Ghazi al-Yawar, a senior member of the Shammar tribe, and president of Saudi-based Hicap Technology. The fifth Sunni Arab was an Islamist — Muhsin Abdul Hamid, head of the Iraqi Islamic Party.

Kurds and Other Minorities. The IGC had five Kurds (all Sunni Muslims), including the two Kurdish leaders Talabani and Barzani and three independent Kurds, one of which was an Islamist. The other minority members were Yonadam Kanna, an Assyrian and secretary-general of the Democratic Assyrian Movement, and Songul Chapuk, a Turkoman women's activist.

Rotating Presidency. As noted previously, in July 2003, the Council decided that nine members would rotate as presidents, each for one month. Those who were initially to rotate were Ibrahim Jafari, Chalabi, Allawi, Talabani, Hakim, Pachachi, Barzani, Bahr al-Ulum, and Abdul Hamid. However, the IGC agreed that none would serve twice as president, and that other IGC members would serve as temporary presidents. The IGC selected Shiite member Izzaddin Salim to head the IGC during May 2004. He was killed by a car bomb outside CPA headquarters on May 17, 2004; his colleagues selected Ghazi al-Yawar to fill the remaining term.

Major IGC Activities. During its tenure, the IGC was less active than expected. Some believe it was too heavily dominated by exiles and lacked legitimacy among Iraqis. On September 3, 2003, the IGC did select a 25-member "cabinet," with roughly the same factional and ethnic balance of the IGC itself. Among major actions, the IGC began a process of "de-Baathification" and authorized the establishment of a war crimes tribunal for Saddam and his associates. In December 2003, the IGC called for expelling from Iraqi territory any members of an exiled Iranian opposition group People's Mojahedin — a signal of goodwill toward neighboring Iran. However, in July 2004, U.S. forces declared the Mojahedin to be "protected persons," meaning that they will not be handed back to Iran or expelled from Camp Ashraf, where U.S. soldiers are guarding them.

June 28, 2004, Handover of Sovereignty

The Bush Administration initially made the end of the U.S. occupation contingent on the completion of a new constitution and the holding of national elections for a new government, tasks which were expected to be completed by late 2005. However, the IGC made little progress in drafting a constitution due to factional divisions. For example, Ayatollah Sistani insisted that the drafters should be elected. (U.N. Security Council Resolution 1511, of October 16, 2003, invited the IGC to develop a timetable by December 15, 2003, for drafting a constitution.)

In the fall of 2003, as the insurgency escalated, the major exile parties began agitating for an early restoration of Iraqi sovereignty. CPA head Bremer consulted with President Bush, resulting in a decision to accelerate the transfer of political sovereignty. On November 15, 2003, the CPA and the IGC announced agreement a plan to draft, by February 28, 2004, a provisional constitution, or Transitional Administrative Law (TAL), and for sovereignty to return to Iraq by June 30, 2004. Under the agreement, 15-person committees were to be selected in each of Iraq's 18 provinces, which would select participants for broader local "caucuses." By May 31, 2004, the caucuses were to select members of a 250-member national assembly. The

assembly would choose an executive branch, including a provisional leader; this government would then assume sovereignty. National elections for a permanent government would be held by December 31, 2005.

This plan attracted mixed reviews. Some believed that it could lead to a rapid restoration of sovereignty that could calm resistance, while others believed it represented a U.S. effort to draw down its presence, and would not ensure formation of a genuine democracy. Ayatollah Sistani opposed the “caucuses” as not democratic. In part to address his concerns, the CPA abandoned the caucus idea and asked the United Nations to assess the feasibility of holding elections prior to a June 30, 2004, restoration of sovereignty. A U.N. team led by senior U.N. adviser Lakhdar Brahimi conducted its assessment during February 7-16, 2004, and, based on the team’s report, U.N. Secretary General Annan said in February 2004 that elections for a new government could not be completed by June 30, 2004, but might be feasible by the end of 2004 or by early 2005. Sistani accepted this time frame.

Transitional Administrative Law (TAL)/Transition Roadmap. Much of the Brahimi findings were incorporated into the Transitional Administrative Law (TAL), which lays out a transition roadmap. Although it was delayed by factional infighting, the IGC formally signed the TAL on March 8, 2004.²⁹ Before and immediately after the signing, Sistani expressed opposition to the TAL’s limitations on the authority of a transition (post-January 2005) president and its provision allowing the Kurds a veto over a permanent constitution; he called on the United Nations not to formally endorse the TAL. The key points of the TAL are as follows:

- A “transition government” is to be formed, chosen by a 275-seat National Assembly elected in voting no later than January 31, 2005. The Assembly is to choose a “presidency council” consisting of a president and two deputy presidents. It is expected that the president would be a Shiite, and the two deputies a Sunni Arab and a Kurd. The presidency council is to operate by consensus, and it is to name a prime minister by unanimous vote.
- The election law for the transition government “shall aim to achieve the goal of having women constitute no less than 25% of the members of the National Assembly.”
- The Kurds maintain their autonomous “Kurdistan Regional Government,” but they were not given control of the city of Kirkuk and they received some powers to contradict or alter the application of Iraqi law in the Kurdish provinces. The Kurdish militias (“peshmerga”) were allowed to continue to operate.
- The transition government (post-January 31, 2005) is to draft (by August 15, 2005) a constitution to be put to a national vote by October 15, 2005. A provision, which Sistani and the Shiite

²⁹ The text of the TAL can be obtained from the CPA website: [<http://cpa-iraq.org/government/TAL.html>].

Islamists are said to want to overturn, allows two-thirds of the voters any three Iraqi provinces to veto the permanent constitution, giving the Kurds (who control the three northern provinces of Dohuk, Irbil, and Sulaymaniyah) a veto. If the constitution is not approved, another draft is to be completed and voted on by October 15, 2006.

- If the permanent constitution is approved, elections to a permanent government are to occur by December 15, 2005, and it is to take office by December 31, 2005. If the constitution is not approved, then elections for a new national assembly are to be held by December 15, 2005.
- The TAL states that Islam is the official religion of Iraq and is to be considered “a source,” but not the only source or the primary source, of legislation. It adds that no law can be passed that contradicts the agreed tenets of Islam, but neither can any law contradict the fundamental rights provided for in the TAL. Those rights include peaceful assembly; free expression; equality of men and women before the law; and the right to strike and demonstrate.

Interim (Post-June 28) Government/Sovereignty Handover. The TAL did not address how an interim (post-handover) government would be chosen. Options for selecting the interim government included holding a traditional assembly along the lines of Afghanistan’s *loya jirga*; holding a smaller “roundtable” of Iraqi notables; or transforming the existing or an expanded IGC into the interim government. To increase the legitimacy of the decision-making process, the United States gave U.N. envoy Brahimi substantial responsibility for selecting the interim government that took power on June 28, 2004.³⁰

Brahimi initially envisioned an interim government of technocrats, relatively devoid of figures who might use their official positions to further their chances in January 2005 national elections. However, maneuvering by IGC and cabinet members led to inclusion of many of them — or their political allies — in the interim government selected on June 1, 2004. A few of the cabinet positions are held by relatively non-political personalities. Brahimi has said publicly that pressure by U.S. and Iraqi politicians to complete the interim government on time caused him to acquiesce to many of the appointments. The interim government began working immediately, but the formal handover of sovereignty took place in a brief ceremony at about 10:30 A.M. Baghdad time on June 28, 2004. The handover occurred two days before the widely publicized June 30 date, reportedly to confound insurgents.

The powers of the interim government are addressed in an addendum to the TAL, signed by the IGC on June 1, 2004. By June 25, in advance of the handover, the CPA had finished turning over all ministries to Iraqi control. The interim government has a “presidency” composed of a largely ceremonial president (former IGC member and Shammar tribal elder Ghazi al-Yawar) and two deputy presidents

³⁰ Chandrasekaran, Rajiv. “Envoy Urges U.N.-Chosen Iraqi Government.” *Washington Post*. Apr. 15, 2004.

(Ibrahim al-Jafari of the Da'wa Party and KDP activist Dr. Rowsch Shaways). There is a prime minister (INA leader Iyad al-Allawi), a deputy prime minister, 26 ministers, two ministers of state with portfolio, and three ministers of state without portfolio. The prime minister has executive power. Six members of the interim government are women. The ethnicities of the interim government are roughly the same as they were in the IGC. The major positions include the following:

- Deputy Prime Minister (for national security). PUK official Barham Salih, formerly PUK representative in Washington and prime minister of the PUK-controlled region of northern Iraq.
- Minister of Defense. Hazem al-Shaalan, an elder of the Ghazal tribe who was in exile during 1985-2003.
- Interior Minister. Falah al-Naqib, son of ex-Baathist general Hassan al-Naqib. (Hassan al-Naqib was a member of the first executive committee of the INC in the early 1990s.)
- Minister of Finance. Senior SCIRI official Adel Abdul Mahdi.
- Minister of Oil. Former oil ministry official Thamir Ghadban, who played a major role in rehabilitating Iraq's oil industry since the fall of Saddam's regime.
- Foreign Minister and other holdovers. Hoshyar Zebari, a top KDP official, was "foreign minister" in the CPA/IGC-led government and remained in this position. Dr. Mehdi al-Hafidh, an independent Shiite, remained as Minister of Planning; PUK official Dr. Abdul Latif Rashid stayed as Minister of Water Resources; and Ms. Nasreen Berwari stayed as Minister of Public Works. An IGC member, Shiite Muslim Wael Abd al-Latif, became Minister of State for Provinces. The Iraqi Ambassador to the United States is Rend Rahim, formerly an opposition activist based in the United States. However, there are reports she might be replaced by Ali al-Allawi, a relative of the Prime Minister who was defense minister during April-June 2004.

Resolution 1546. Many of the powers and responsibilities of the interim government are spelled out in U.N. Security Council Resolution 1546, adopted unanimously on June 8, 2004. It endorsed the handover of sovereignty and smoothed over some differences between the United States and those allies that opposed the war. Its major provisions are the following:

- U.S. officials no longer have final authority on non-security related issues. Resolution 1546 says that the interim government is not to make any long-term laws or decisions: its primary function is to run the ministries and prepare for national elections in January 2005. However, many international law experts say that the interim government could conceivably exceed this intended mandate, possibly including amending the TAL or revoking CPA decrees.

The Kurds fear that the interim government will repeal aspects of the TAL that the Kurds view as protecting them from the Arab majority.³¹ The Kurds' fears were heightened by the omission from Resolution 1546 of any mention of the TAL, an omission reportedly at the behest of pressure from Sistani and his Shiite allies who are agitating for amending the TAL to remove limitations on majority rule. Prime Minister Allawi has tried to defuse this dispute by promising not to undo those sensitive provisions of the TAL.

- One of the major debates in the adoption of Resolution 1546 was on security issues, particularly the relationship between coalition forces and the Iraqi interim government. The operational relationship — coordination and partnership — between the Iraqi government and the coalition on security issues is spelled out in an exchange of letters between Secretary of State Powell and Prime Minister Allawi (annexed to the resolution). Iraqi participation in specific operations is at the discretion of the Iraqi government, but the Iraqi government will not have a veto over specific coalition operations, and the coalition retains the ability to take prisoners in the course of operations. The Resolution implements the provision of the TAL that, at least until the end of 2005 (the end of the transition period), Iraqi forces will be “a principal partner in the multi-national force operating in Iraq under unified [American] command pursuant to the provisions of U.N. Security Council Resolution 1511 (October 16, 2003) and any subsequent resolutions.”
- Resolution 1546 says that the coalition’s mandate would be reviewed “at the request of the Government of Iraq or twelve months from the date of this resolution,” that the mandate would expire when a permanent government is sworn in at the end of 2005, and that the mandate would be terminated “if the Iraqi government so requests.” The Resolution, as does the TAL, defers to the post-January 31, 2005, government the issue of an agreement on the status of coalition forces in Iraq.
- Resolution 1546 gives the interim government control over Iraq’s oil revenues and the Development Fund for Iraq (DFI), subject to monitoring for at least one year by the U.N.-mandated International Advisory and Monitoring Board. The interim government also is given responsibility for final close-out of the “oil-for-food program” discussed further below.
- Resolution 1546 gives the United Nations a major role in assisting and advising the Iraqi government in preparing for national elections and in many aspects of governance. The Resolution also sets up a force within the coalition to protect U.N. personnel and facilities.

³¹ Filkins, Dexter. Kurds Threaten to Walk Away From Iraqi State. *New York Times*, June 9, 2004.

Post-Handover Authority Building/Interim Parliament. The process of building a sovereign Iraqi government did not end with the handover.³² Resolution 1546 and the addendum to the TAL provided for the holding of a conference of over 1,000 Iraqis (the 1,000 were chosen from all around Iraq by a 60-member commission of Iraqis) to choose a 100-seat advisory council (“Interim National Council”) to the interim government, a sort of interim parliament. This body does not have legislative authority, but according to the addendum to the TAL, it is able to veto decisions by the executive branch with a 2/3 majority. The conference was to be held by July 31, 2004, but it was postponed until August 13, 2004, due to security concerns and the refusal of some factions to participate. The conference was held under tight security during August 13-18, 2004. The conference was dominated by the ongoing crisis between the Sadr faction and the Iraqi government, but it did select an 81-member slate of candidates, dominated by the major Shiite, Kurdish, and other exile parties.³³ Some accounts said that smaller, emerging parties were disappointed that the meeting was chaotic and did not provide them with a “level-playing field.” They apparently accepted the result nonetheless. (The other 19 seats are held by the IGC members who did not obtain positions in the interim government and are included in the 100-member Interim National Council, as provided for under the TAL).

The following other actions were undertaken in connection with the handover.

- CPA head Bremer departed Iraq for the United States on June 28, 2004, and the CPA and formal state of occupation no longer exists. Ambassador John Negroponte, the U.S. Ambassador to Iraq, confirmed by the Senate on May 6, 2004, arrived in Iraq and subsequently presented credentials to the Iraqi interim government. This established formal U.S.-Iraq diplomatic relations for the first time since January 1991, the eve of the 1991 Persian Gulf war. A large U.S. embassy opened on June 30, 2004; it is being staffed with about 1,000 U.S. personnel, including about 160 U.S. officials and representatives that will serve as advisers to the interim government. (See, CRS Report RS21867, *U.S. Embassy in Iraq*.)
- Some CPA functions, such as the advising of local Iraqi governments, local Iraqi governing councils, and U.S. military units, have been retained at the U.S. embassy in the form of an “Iraq Reconstruction and Management Office (IRMO).” About 150 U.S. personnel will serve in at least four major centers around Iraq to advise local Iraqi governments: Hilla, Basra, Kirkuk, and Mosul. As of November 2004, the IRMO is to be headed by Ambassador William Taylor, formerly U.S. aid coordinator for Afghanistan.

³² Information in this section was obtained from various press reports, CRS conversations with executive branch officials in May 2004, CRS conversations with journalists and other observers, and CRS participation in a congressional visit to Iraq during Feb. 28-29, 2004.

³³ Tavernise, Sabrina. “In Climax To a Tumultuous 4-Day Debate, Iraq Chooses An Assembly.” New York Times, August 19, 2004.

- In connection with the handover, U.S. military headquarters in Baghdad (Combined Joint Task Force-7, CJTF-7) has become a multi-national headquarters (Multinational Force-Iraq, MNF-I). Four-star U.S. Gen. George Casey, confirmed by the Senate on June 24, 2004, is to assume command.³⁴ U.S. officials say that, largely because of recent violence, U.S. forces will remain at the current level of 140,000. Before dissolving on June 28, the CPA extended existing orders giving U.S. military people, and some contractors, immunity from prosecution by Iraqi courts.³⁵ According to press reports, Iraq's air and sea ports remain under coalition security control.
- U.S. forces in Iraq continue to build Iraq's security institutions, as discussed below, but all U.S. officials say the Iraqi forces will not be able to maintain security on their own for the foreseeable future. Maj. Gen. David Petraeus, who had served until late 2003 as commander of the 101st Airborne Division, has returned to Iraq to oversee the training of Iraqi security forces prior to the handover.
- The Program Management Office (PMO), which reported to the Department of Defense and administers some U.S. funds for Iraq, has been replaced by a "Project and Contracting Office (PCO)." The upsurge of violence since early April 2004 has slowed obligation of reconstruction funds; as of August 2004, about \$8 billion of \$23 billion in appropriated reconstruction funds has been obligated.

Preparations for 2005 Elections. With the handover completed, U.S. and Iraqi attention has turned to the January 2005 Assembly elections and simultaneous elections for provincial governments and the Kurdish regional assembly. The United Nations has formed an 8-member "election commission," nominated by notables from around Iraq, that is to run the 2005 elections. The United Nations, as well as CPA orders (Order numbers 92,96, and 97) issued just before the handover, recommend that the voting be conducted by proportional representation (closed list), in which voters choose among competing parties. Whether the recommendations are implemented is to be determined by the election commission.

The State Department says it will spend about \$40 million for "party building" activities, assistance mainly to small, emerging parties that might not otherwise be able to compete against established parties such as SCIRI or the Da'wa Party. U.S. officials say their goals are to promote coalitions of smaller parties so that the coalitions can be strong enough to win seats in the assembly elections. To be certified to compete, each party will need 500 signatures from eligible voters. To run the elections, the Iraqi government has budgeted about \$230 million, of which \$100 million is expected to be offset by international donors.

³⁴ Hendren, John and Richard Serrano. "Pentagon Intends to Replace Ground Commander in Iraq." *Los Angeles Times*, May 25, 2004.

³⁵ Wright, Robin. U.S. Immunity in Iraq Will Go Beyond June 30. *Washington Post*, June 24, 2004.

U.S. election-related assistance will attempt to complement U.S. efforts already underway to promote local governance and politics. Although governance at the national level has been contentious, there appears to have been political progress at the local level. U.S. officials say Iraqis are freer than at any time in the past 30 years, with a free press and the ability to organize politically; dozens of political parties have formed since the fall of Saddam's regime. Over 500 courts are operating, as are about 700 local governing councils. Elections for local leaders, to replace those appointed by U.S.-led forces in the immediate aftermath of the fall of the regime, have been held throughout Iraq. Some Iraqi women are becoming more politically active, and among other grassroots activities, more than 700 tribal leaders formed a "farmers' union" in January 2004. A U.S. funded "Community Action Program (CAP)" is providing local leaders with grant money for specific community projects.³⁶ USAID is conducting more than 1,400 democracy dialogue activities to help Iraqis prepare for the transition to participatory government.

In January 2004, the Administration said it would reallocate additional funds, appropriated in the FY2004 supplemental appropriations (P.L. 108-106) for local governance and civil society promotion; current plans are to spend \$468 million for these activities rather than the \$100 million appropriated. Some of these funds, as well as an additional \$10 million appropriated to the U.S. Institute of Peace, are going to U.S. democratization organizations, such as National Democratic Institute (NDI) and the International Republican Institute (IRI) to do training and capacity building at the local level, as well as work with emerging and established national political organizations.³⁷ Emerging Iraqi leaders are being trained by various U.S. government agencies and other institutions.

Security Challenges to the Transition

Even before the Sadr faction uprisings in April and August 2004, Sunni Muslim resistance to U.S. forces and their Iraqi allies had defied most expectations in intensity and duration. As of August 24, 2004, about 962 U.S. forces and about 150 coalition partner soldiers have died in Operation Iraqi Freedom. Of U.S. deaths, about 800 have occurred since President Bush declared an end to "major combat operations" in Iraq on May 1, 2003.

The Insurgency. In his first day on the job, CENTCOM commander John Abizaid said (July 17, 2003) that the United States faces a "classic guerrilla war." Subsequent to the capture of Saddam Hussein in mid-December 2003, some U.S. commanders had said the United States had "turned the corner" against the resistance. U.S. commanders have asserted that with the help of documents captured from Saddam U.S. forces had made progress against the Baathist component of the insurgency, but less so against "foreign fighters," non-Iraqis who have come into Iraq to fight U.S. goals and personnel in Iraq.

³⁶ Iraqi Groups Build Democracy at Grassroots Level. Department of State *Washington File*, Jan. 16, 2004.

³⁷ Conversations with USAID, IRI, and others involved in U.S. democratization activities in Iraq. Nov. 2003 - Feb. 2004.

At the time of the June 28, 2004 handover, U.S. commanders and officials said that the insurgency is broader and more tenacious than predicted — one estimate says insurgents may number 20,000 or more,³⁸ with a higher degree of coordination than previously believed, and that it now poses a major security challenge to the transition process. On the other hand, some expect the insurgency to diminish, especially after there is an elected government, planned for early 2005, that would presumably have legitimacy bestowed by an electoral process.

Some elements of the Sunni portion of the resistance appear to want to restore the old regime or establish an Islamic state, but the bulk of this resistance appears to be motivated by opposition to perceived U.S. rule. Sunni insurgents might also be working to ensure that Iraq's Shiite majority does not take over the instruments of government through elections or peaceful means; the Sunnis have historically ruled Iraq. However, several observers believe the Sunni resistance is increasingly dominated by Islamists who are not only carrying out attacks but also demanding the imposition of Islamic law in areas under their purview. The resistance has sought to demonstrate that U.S. stabilization efforts are not working by causing international workers and peacekeeping forces to leave Iraq, slowing reconstruction, turning the Iraqi populace against the coalition, and provoking civil conflict among Iraq's ethnic groups. Insurgent targets have included not only U.S. forces but also Iraqis working for U.S. authorities, foreign contractors, oil export facilities, water and other infrastructure facilities, and symbols of the international presence, including U.N. headquarters. Despite some tensions among Iraq's various factions, U.S. officials believe it is unlikely the violence will turn into all-out civil conflict among Iraqis.

A "terrorism" dimension to the insurgency began in August 2003 with vehicle bombings in Baghdad of the embassy of Jordan (August 7) and U.N. headquarters at the Canal Hotel (August 19). The latter bombing killed 23 persons including the U.N. representative in Iraq, Sergio Vieira de Mello, and prompted an evacuation of U.N. personnel from Iraq. An August 29, 2003, car bombing in Najaf killed SCIRI leader Mohammad Baqr Al Hakim and 100 others. Numerous other suicide bombings and like attacks have occurred against coalition bases throughout Iraq, Kurdish political party headquarters, religious festivities, Iraqi police and military training and recruitment facilities, the U.N. compound, and hotels. Some believe not all of these attacks fit classic definitions of terrorism, because the targets of some of these attacks were military or occupation-related.

Starting in early April 2004, Iraqi resistance groups demanding the departure of U.S. and other coalition forces have kidnapped individuals — including journalists and civilian contract workers — mainly from countries cooperating with the United States. Of those captured, 13 have been killed, including U.S. civilian contractor Nicholas Berg (beheaded in May 2004). Some were released, and about 20 are still held, including one U.S. soldier.

The use of these tactics, which has been a hallmark of major terrorist groups such as Al Qaeda, has prompted a debate over the role, if any, of Al Qaeda or other

³⁸ Krane, Jim. "U.S. Officials: Iraq Insurgency Bigger." Associated Press report published in the Philadelphia Inquirer. July 9, 2004.

non-Iraqi fighters in the resistance. Citing the role played by the Zarqawi faction (Association of Unity and Jihad) in the resistance, some believe Iraq is becoming an arena for “jihad” against the United States, while others believe that terrorist-type attacks could be the work of Iraqi Islamist groups that are mimicking or supportive of Al Qaeda. See CRS Report RL32217, *Iraq and Al Qaeda: Allies or Not?*

2004 Uprisings. Since the beginning of 2004, Sunni resistance activity has escalated, and a Shiite uprising led by the Sadr faction has begun. Sunni resistance escalated in April 2004, when insurgents in Fallujah killed and mutilated the bodies of four U.S. security contractors on March 31, 2004, prompting a U.S. move to seal off and retake the city. Fearing collateral damage that could harm the overall U.S. position in Iraq, in late April 2004 local U.S. commanders agreed to a compromise in which a “Fallujah Brigade” led by former Iraqi general Muhammad Latif, began patrolling the city. The Fallujah Brigade has done little to arrest insurgents in the city, and U.S. commanders believe the city has become a haven for insurgents. Sunni insurgent factions in Fallujah, Baqubah, Mosul, Ramadi, and Samarra are reported to be operating with virtual impunity, with some degree of popular support.

The new government is also dealing with an uprising by forces loyal to Sadr. In April 2004, Sadr’s Mahdi Army armed itself and seized governing installations in at least seven Shiite-populated cities as well as Baghdad’s Sadr City area. In May 2004, U.S. and British forces pressured the Mahdi Army forces in these areas, forcing some Mahdi withdrawals and contributing to an agreement (May 2004) under which Mahdi and U.S. forces would cease fighting, and Sadr himself would remain at liberty. Violence abated in June 2004 as Sadr, at Sistani’s urging, mulled joining the legitimate political process, but violence flared again in early August 2004 in southern Iraq after an attempt by Iraqi security forces to challenge Sadr’s home or office. Combat is continuing against Mahdi forces in Najaf, and U.S. forces are pressing those insurgents around the Imam Ali shrine (see above), but Sadr supporters have become active in several southern cities, including Nassiriyah, Diwaniyah, Amara, and Basra, with an upsurge of anti-coalition violence in each.

Prime Minister Allawi has announced measures and received new authorities (emergency law powers, including curfews and added arrest powers) to combat the insurgency, and he has tried to engage some factions, including that of Sadr, thought to be disenfranchised and fueling the insurgency. A law offering amnesty to insurgents, except for those involved in killing coalition or Iraqi security forces, was issued in early August 2004. The death penalty, suspended after the fall of Saddam, was reinstated in early August 2004. Iraqi officials have also asserted that the insurgents are receiving assistance from neighboring Syria and Iran, and Allawi has held discussions with representatives of both countries to try to persuade them to prevent the movement of fighters, arms, and funds to the resistance in Iraq.

Abu Ghraib Prisoner Abuses. U.S. efforts to calm ongoing violence were complicated somewhat by revelations in early May 2004 that U.S. military personnel had abused prisoners at the Abu Ghraib prison near Baghdad. Photos of abuses in progress were printed in newspapers worldwide, including in Iraq, and shown on television. At least seven U.S. soldiers have thus far been charged with abuses at the prison. Several congressional hearings have been held on the issue. (For information on the Abu Ghraib issue, see CRS “Current Legislative Issues” web page entitled

“Prisoners in Iraq; U.S. Treatment” [<http://www.congress.gov/erp/legissues/html/isjus10.html>].

Options for Stabilizing Iraq

As the insurgency has spread a number of options have been implemented or considered. The Bush Administration maintains that holding to the existing political and security transition plans, while working with foreign allies and pro-U.S. Iraqis, will lead to stability and democracy. Some critics say that current U.S. steps will likely fail to diminish the violence or establish democracy and that major new options need to be considered. Some argue for a large increase in U.S. forces in Iraq, others argue for significant concessions to persuade U.S. allies to play a greater role in Iraq, and a few call for the United States to pullout of Iraq immediately. The major options being implemented or under further discussion are analyzed below.

“Iraqification”/Building Iraqi Forces. A major pillar of current policy is to build national Iraqi security institutions that the Administration says should eventually be able to secure Iraq by themselves. To date, the performance of Iraq’s forces have come into serious question as they have often failed, on their own, to stem the insurgency and uprisings since April 2004. U.S. officials say these forces are clearly not ready to secure Iraq. To date, about 225,000 Iraqis have been recruited to these institutions, and the goal is to have about 260,000. Even before the 2004 uprisings, the rapidity of the recruitment had raised questions about the loyalty and dedication of the new recruits. Prime Minister Allawi has made bolstering these forces — as well as turning all Iraqi forces to internal security missions and rebuilding a domestic intelligence network — a stated priority of the interim government. On July 14, 2004, he announced the formation of a new domestic intelligence agency (General Security Directorate) to infiltrate the insurgent groups.

The following, based on a variety of press and Administration reports,³⁹ are the status of the major Iraqi security institutions:

- Iraqi Armed Forces (IAF). The CPA formally disbanded the former Iraqi army following Bremer’s arrival in Baghdad. Some criticized the move as a factor that is now contributing to resistance activity, but others believe the move was necessary to ensure that Iraq moves toward democracy. The United States plans to recruit, train, and equip a 35,000 person IAF, about 10% the size of the pre-war Iraqi force. U.S. officials say that applicants are ample, and about 6,800 are on duty or in training thus far. Recruits are paid \$60 per month and receive nine weeks of training. Jordan is training Iraqi officers and recruits, as well as a 400-person “special forces” unit of the new army. About \$2 billion to train and equip the IAF was provided by the FY2004 supplemental appropriation (P.L. 108-106).
- Police. The CPA is also trying to turn policing functions over to Iraqis. Overall, about 92,000 Iraqi policemen are on duty, slightly

³⁹ Derived from DOD unclassified “draft working paper,” entitled “Iraq Status.” Jan. 2004.

more than the total U.S. goal for the force. Of those, 62,000 are considered “untrained.” Training is being conducted in Jordan, Iraq (including in Irbil in the Kurdish region), and the United Arab Emirates (UAE). Jordan will train about 35,000 of the total. Police are paid \$60 per month, and must pass a background check ensuring they do not have a record of human rights violations or criminal activity. The Administration requested \$1 billion to train and equip the police in the FY2004 supplemental request; \$950 million was provided in P.L. 108-106.

- The paramilitary Iraqi National Guard (formerly called the Civil Defense Corps, or ICDC) is assisting in maintaining order and combating insurgents. Thus far, about 35,000 have been recruited and undergo mostly “on-the-job training;” the goal is for a total force of 40,000. Recruits are paid \$50 per month and cannot have served in Iraq’s former army at a level of colonel or higher. Prime Minister Allawi has placed the Guard under the Iraqi Armed Forces.
- A separate “Facilities Protection Service” is guarding installations such as oil pumping stations, electricity substations, and government buildings. About 74,000, roughly the total goal, have been deployed, but training is said to be minimal. About 15,000 members of this force are devoted to protecting Iraq’s oil pipelines. About \$140 million for training and equipping the National Guard (ICDC) and Facilities Protection Service was appropriated in the FY2004 supplemental (P.L. 108-106).
- Border Forces. To date, about 20,000 Iraqis have been recruited into two border policing forces, near the total goal. Members of these forces receive a few weeks of training.

On November 21, 2003, the Bush Administration issued a determination repealing a U.S. ban on arms exports to Iraq so that the United States can supply weapons to the new Iraqi security institutions. Authority to repeal this ban was requested and granted in an FY2003 emergency supplemental appropriations (P.L. 108-11) for the costs of the war and was made subject to a determination that sales to Iraq are “in the national interest.” On July 21, 2004, the Administration determined that Iraq would be treated as a friendly nation in evaluating U.S. arms sales to Iraqi security forces and that such sales would be made in accordance with the Foreign Assistance Act and the Arms Export Control Act. However, questions have been raised about the slow pace of equipping the new Iraqi security institutions.

“Internationalization” of the Effort.⁴⁰ Some in and outside the Administration, including several Members and Democratic presidential nominee John Kerry, believe that the United States should exert stronger efforts to enlist

⁴⁰ For additional information on international contributions to Iraq peacekeeping and reconstruction, see CRS Report RL32105, *Post-War Iraq: A Table and Chronology of Foreign Contributions*.

greater U.N. or international participation in peacekeeping and post-war governance, including giving up some of its decision-making prerogatives, if required. Those who advocate this option believe it essential if the United States is to succeed in stabilizing Iraq and in reducing the financial and military burden of the war — 90% of coalition casualties in Iraq have been Americans. As the insurgency escalated after August 2003, the Administration began to take steps in this direction, including ceding to the United Nations a greater role in organizing a post-Saddam transition, as noted above.

The Bush Administration asserts that it has consistently sought U.N. backing for its post-war efforts, primarily to obtain international contributions to Iraq peacekeeping. Resolution 1483 (adopted unanimously May 6, 2003) provided for a U.N. special representative to coordinate the activities of U.N. personnel in Iraq and it “call[ed] on” governments to contribute forces for stabilization. On August 14, 2003, the U.N. Security Council adopted a compromise resolution, Resolution 1500, that “welcomed,” but did not “endorse,” the formation of the IGC. The resolution established a “U.N. Assistance Mission for Iraq.” In a further attempt to satisfy the requirements of several major nations, such as France, for a greater U.N. role in post-Saddam Iraq, the United States obtained agreement on Resolution 1511 (adopted unanimously on October 16, 2003 and referenced above). It authorized a “multinational force under unified command.” Resolution 1546 restated many of the provisions of these previous resolutions on international forces in Iraq. However, major potential force contributors as France, Germany, Russia, India, and Pakistan have viewed these resolutions as insufficient to prompt their involvement on the grounds that they did not end what these countries perceive as U.S. monopoly of decision-making on Iraq policy.

In asserting that the United States has built a coalition on Iraq, the Administration points to the fact that 31 other countries are providing forces. The total of non-U.S. forces in Iraq is about 24,000. The United Kingdom and Poland are leading multinational divisions in southern Iraq and central Iraq, respectively. The UK-led force numbers about 14,000, of which all but 2,000 are British forces; and Britain. The Polish-led force numbers about 9,200, of which 2,300 are Polish. In February 2004, Japan deployed about 1,000 troops to Samawah, in southern Iraq. South Korea is in the process of deploying 3,000 troops to the Irbil area. A 45-person contingent from Tonga arrived in early July 2004 and, in the face of announced withdrawals by some countries, such countries as Bulgaria, the Czech Republic, and Azerbaijan announced they would remain in Iraq or even increase contributions somewhat.

In late July 2004, Secretary of State Powell said the United States would consider a Saudi proposal for a contingent of troops from Muslim countries to perform peacekeeping in Iraq, reportedly under separate command. However, the idea appears to have floundered due to opposition from potential contributing countries such as Pakistan and reported Iraqi sensitivities to the potential for Muslim foreign troops to meddle in Iraqi politics.

Critics say that coalition countries are donating only about 15% of the total U.S.-led coalition contingent in Iraq, and they question the sustainment of even the existing coalition. Some point to the decision by Spain to withdraw its 1,300 troops

from Iraq as an indication that the Bush Administration effort to maintain an Iraq coalition is faltering. Spain made that decision following the March 11 Madrid bombings and subsequent defeat of the former Spanish government that had supported the war effort. Honduras, the Dominican Republic, and Nicaragua followed suit, withdrawing their approximately 900 personnel, and the Philippines withdrew in mid-July 2004 after one of its citizens was taken hostage and threatened with beheading. Thailand, New Zealand, and Norway are in the process of withdrawing as well. (For a list of foreign force contributions, which includes contributions of support or medical personnel, see CRS Report RL32105.)

NATO. One major issue in the debate over securing Iraq is the possibility of greater NATO involvement. NATO currently provides some logistical support to the international forces in Iraq led by Poland. NATO involvement in Iraq has come up in every major NATO meeting since late 2003. The issue was discussed again at the June 28-29, 2004, NATO summit in Istanbul, in light of Prime Minister Allawi's formal request that NATO assist Iraq. At the summit, NATO agreed to provide training for Iraqi security forces, and a team of 45 NATO trainers is deploying to Iraq for that purpose. Several major NATO states, such as France, continue to oppose a major NATO commitment to Iraq at this time.

On July 10, 2003, the Senate adopted an amendment, by a vote of 97-0, to a State Department authorization bill (S. 925) calling on the Administration to formally ask NATO to lead a peacekeeping force for Iraq. A related bill (H.R. 2112) was introduced in the House on May 15, 2003. (For more information on this possibility, see CRS Report RL32068, *An Enhanced European Role in Iraq?*)

Altering U.S. Force Levels. Others believe that some major potential force contributors are unlikely to send forces to Iraq under any conceivable circumstance, and that the United States should increase its own troops in Iraq to improve security. Some who advocate increasing U.S. forces in Iraq believe that greater internationalization of the effort would likely confuse the post-war command structure or result in the formation of an Iraqi government that is not pro-U.S. or democratic. The Bush Administration has said that U.S. field commanders will be provided with more troops, if needed, but senior commanders say existing force levels are sufficient to perform the U.S. mission. Some believe that increasing U.S. force levels would further the impression in Iraq that the interim government is beholden to the United States for its survival.

A minority of commentators argue that the United States should withdraw unconditionally from Iraq. Those who take this position tend to argue that the decision to invade Iraq and change its regime was a mistake in light of the failure thus far to locate any significant WMD in Iraq. Others believe that Iraq cannot be stabilized and that a continued U.S. presence in Iraq will result in additional U.S. casualties without securing U.S. national interests in Iraq. Critics of this view say the Iraqi interim government would collapse quickly if the United States pulled out suddenly and that Iraq would become a haven for terrorists.

Rejuvenating Iraq's Economy

The Administration asserts that, despite the ongoing insurgency and political tensions, economic reconstruction is progressing. Administration fact sheets and statements say that life is, for the most part, returning to normal throughout Iraq, that Iraq's economy is recovering, and that many Iraqis are demonstrating their confidence by buying automobiles and appliances. Electricity has been nearly back to pre-war levels (4,400 Megawatts, pre-war), although resistance attacks have reduced power to about 8 hours per day in much of Iraq. Sanitation, health care, and education are a few of the indicators that are improving statistically. About 3 million Iraqi children have been vaccinated since Saddam fell. A new currency has been introduced and has remained stable since introduction in early 2004. Oil production is back to near pre-war levels (see below). For further information on economic reconstruction, see CRS Report RL31833, *Iraq: Recent Developments in Reconstruction Assistance*.

The Oil Industry. As the driver of Iraq's economy, the rebuilding of the oil industry is receiving substantial U.S. attention. It has been widely assumed that Iraq's vast oil reserves, believed second only to those of Saudi Arabia, would be used to fund much of the costs of reconstruction. Then presidential spokesman Ari Fleischer said on February 18, 2003, referring to Iraq's oil reserves, that Iraq has "a variety of means...to shoulder much of the burden for [its] own reconstruction." The oil industry infrastructure suffered little damage during the U.S.-led invasion (only about 9 oil wells were set on fire), but it has become a target of insurgents.

In May 2003, the CPA set up an advisory board, headed by former Shell executive Phillip Carroll, to oversee the rebuilding of Iraq's oil sector. The first exports began in late June 2003, and increased gradually to about 1.8 million barrels per day (mbd) by April 2004. (Pre-war levels were 2.2 mbd.) However, exports have occasionally fallen to a low of about 1.2 million mbd, or even halted almost entirely on some days, because of insurgent attacks on oil pipelines and related facilities. The FY2004 supplemental appropriations request asked for \$1.2 billion to repair Iraq's oil infrastructure, plus \$900 million to import refined energy products that Iraq's infrastructure cannot currently produce. P.L. 108-106 provided the requested amount for infrastructure, but only \$700 million for energy product imports. In January 2004, the Administration redirected some funds for energy importation to local governance.

A related issue is long-term development of Iraq's oil industry and which foreign energy firms, if any, might receive preference for contracts to explore Iraq's vast reserves. Russia, China, and others are said to fear that the United States will seek to develop Iraq's oil industry with minimal participation of firms from other countries. Iraq's interim government has contracted for a study of the extent of Iraq's oil reserves.

CPA Budget/DFI/U.S. Funding.⁴¹ At inception, the Development Fund for Iraq (DFI), set up by Resolution 1483 (May 6, 2003) as the repository for Iraq's revenue, contained about \$7 billion when it was established in June 2003. Controlled by the CPA during the occupation period and now run by the Iraqi government (as specified in Resolution 1546), the DFI receives funds from captured Iraqi assets, Iraqi assets held abroad, the monies transferred from the close-out of the "oil-for-food program," revenues from oil and other exports, and revenues from other sources such as taxes, user fees, and returns from profits on state-owned enterprises. In late October 2003, a multilateral board to monitor the Development Fund for Iraq (DFI), mandated by Resolution 1483, was established (the International Advisory and Monitoring Board, IAMB) has retained KPMG as external auditor. The IAMB met in late June 2004 and identified some possible problems in how the DFI was administered, and it produced the first formal audit on July 15, 2004. The DFI was held in the Federal Reserve Bank of New York, not Iraq's Central Bank, during the occupation period.

In order to accelerate reconstruction, Iraq was deemed to require international donations, such as those pledged at the October 23-24, 2003 donors' conference in Madrid, additional U.S. appropriations, and funds remaining after the U.N.-run "oil for food program" terminated on November 21, 2003 (see below). A World Bank estimate, released in early October 2003, said Iraq reconstruction would require about \$56 billion during 2004-2007, including the \$20 billion in U.S. funding requested by the Administration in September 2003. At the Madrid donors conference, donors pledged about \$4 billion in grants and \$9 billion in credits, in addition to the \$20 billion to be provided by the United States. (For additional information on international pledges, see CRS Report RL32015, *Post-War Iraq: A Table and Chronology of Foreign Contributions*.)

Supplemental U.S. Funding. In part to meet the requirements for funding, an FY2003 supplemental, P.L. 108-11, appropriated about \$2.5 billion for Iraq reconstruction. When oil revenues continued to lag, U.S. officials decided to ask Congress for another supplemental appropriation. On September 8, 2003, President Bush requested supplemental funding for FY2004 for the "war on terrorism," in the amount of \$87 billion, of which over \$70 billion would be for military operations in and reconstruction of Iraq. Of that amount, about \$50 billion would be for military costs and about \$20 billion for reconstruction of Iraq.

The FY2004 supplemental appropriation (conf. report H.Rept. 108-337, P.L. 108-106) provided the following funds for Iraq reconstruction (total \$18.7 billion):

- \$3.243 billion for security and law enforcement, including the New Iraqi Army, border enforcement, and other security functions;

⁴¹ For information on the status of legislative consideration of the request for supplemental funding, see CRS Report RL32090, *FY2004 Supplemental Appropriations for Iraq, Afghanistan, and the Global War on Terrorism: Military Operations & Reconstruction Assistance*.

- \$1.32 billion for justice and civil society and democracy development, including programs for women and youth and the formation of an independent human rights commission,
- \$5.56 billion for electricity infrastructure rehabilitation,
- \$1.89 billion for rehabilitating the energy infrastructure,
- \$4.332 billion to repair water and sewage systems;
- \$500 million for repair of transportation and telecommunications infrastructure,
- \$370 million to upgrade housing, roads, and bridges,
- \$800 million to construct and equip hospitals and clinics, and
- \$453 million for education, jobs training, and private sector initiatives.

FY2005. No new funds for Iraq reconstruction were requested in the Administration's budget for FY2005, released on February 2, 2004. As noted above, reconstruction spending is slower than expected, and already appropriated funds will likely be sufficient for the near term. A FY2005 supplemental appropriation of \$25 billion will be used mostly for military costs in Iraq and Afghanistan, and additional military funds for the Iraq war effort will be required in early 2005, according to deputy Defense Secretary Paul Wolfowitz.

Lifting of U.S. Sanctions. The Bush Administration has lifted most U.S. sanctions on Iraq, beginning with a March 24, 2003 Presidential Determination 2003-18 asserting that providing direct assistance to Iraq is important to the national security interests of the United States (an authority provided for in Section 507⁴² of P.L. 108-7, the consolidated appropriations for FY2003.) A May 7, 2003, executive order eased sanctions on Iraq, under authorities provided in Sections 1501-1504 of the FY2003 supplemental appropriations bill (P.L. 108-11). The President had requested that authority in his March 2003 request to Congress for FY2003 supplemental funding for the Iraq war. (The authority is available until September 2004, according to P.L. 108-11.) Section 1504 of that law gave the President the authority to export to Iraq non-lethal military equipment and to export military equipment to a reconstituted or interim Iraqi military. The President has authority to authorize the export to (post-war) Iraq dual use items or arms if he determines that doing so is in the national interest. Section 1503 requires the President to submit regular reports to Congress on any export licenses granted for the exportation of dual use items to Iraq.

On July 30, 2004, President Bush issued an executive order formally ending the package of sanctions imposed on Iraq following the 1990 invasion of Kuwait. Those measures were contained in Executive Order 12722 (August 2, 1990) and 12724 (August 9, 1990), issued after Iraq's August 2, 1990, invasion of Kuwait. They imposed a ban on U.S. trade with and investment in Iraq and froze Iraq's assets in the United States. The Iraq Sanctions Act of 1990 (Section 586 of P.L. 101-513, signed November 5, 1990) reinforced those executive orders.

⁴² That section bars direct assistance to Iraq as well as the other six countries on the terrorism list (Syria, Libya, Iran, Cuba, North Korea, and Sudan).

Iraq remains on the U.S. list of state sponsors of terrorism under Section 6(j) of the Export Administration Act (P.L. 96-72). Iraq had been removed from the list in 1982. In the aftermath of Iraq's invasion of Kuwait in 1990, Iraq was again placed on the list. Countries on the terrorism list are barred from receiving U.S. foreign assistance, votes in favor of international loans, and sales of munitions list items (arms and related equipment and services); and exports of dual use items (items that can have military applications) to these countries are subject to strict licensing procedures. However, President Bush's May 7, 2003, executive order "makes inapplicable" with respect to Iraq the terrorism list sanctions, any laws directing the U.S. government to vote against or oppose international lending to Iraq; and Section 307 of the Foreign Assistance Act of 1961, requiring cuts in U.S. contributions to international programs that work in Iraq (and other countries named in that section). The May 7, 2003, executive order left in place the provisions of the Iran-Iraq Arms Non-Proliferation Act (P.L. 102-484); that act imposes sanctions on persons or governments that export technology that would contribute to Iraq's advanced conventional arms capability or weapons of mass destruction programs. The July 30, 2004, order does not unfreeze any assets in the United States determined to belong to the former regime.

Termination of the Oil-for-Food Program. In accordance with the provisions of U.N. Security Council Resolution 1483 (May 22, 2003), the U.N.-run oil-for-food program ended November 21, 2003. The close-out of residual contacts under the program is now run by the interim Iraqi government. See CRS Report RL30472, *Iraq: Oil-for-Food Program, Sanctions, and Illicit Trade*.

Debt Relief. The Administration is attempting to relieve Iraq's debt burden built up during the regime of Saddam Hussein. The debt is estimated to total about \$116 billion, not including reparations dating to the first Persian Gulf war. For more information, see CRS Report RS21765, *Iraq: Paris Club Debt Relief*.

Congressional Reactions

Congress, like the Administration, had divergent views on the mechanisms for promoting regime change, although there was widespread agreement in Congress that regime change should be a major U.S. policy goal for Iraq. On December 20, 2001, the House passed H.J.Res. 75, by a vote of 392-12, calling Iraq's refusal to readmit U.N. weapons inspectors a "mounting threat" to the United States. The resolution did not call for new U.S. steps to overthrow Saddam Hussein but a few Members called for the overthrow of Saddam Hussein in their floor statements in support of the resolution. In early 2002, prior to the intensified speculation about possible war with Iraq, some Members expressed support for increased aid to the opposition. As discussion of potential military action increased in the fall of 2002, Members debated the costs and risks of an invasion of Iraq. Congress adopted H.J.Res. 114, authorizing the President to use military force against Iraq if he determines that doing so is in the national interest and would enforce U.N. Security Council resolutions on Iraq. The measure passed the House on October 11, 2002 by a vote of 296-133, and the Senate the following day by a vote of 77-23. The legislation was signed into law on October 16, 2002 (P.L. 107-243).

The 108th Congress has held numerous hearings on post-Saddam Iraq and, as noted above, has appropriated reconstruction and military funding for the Iraq effort. Although Congress has applauded the performance of the U.S. military and the overthrow of the regime, several Members have criticized the Administration for inadequate planning for the post-war period. Criticism has escalated as attacks on U.S. occupation forces have mounted, and some Members have offered suggestions to stabilize Iraq, including adding U.S. forces, ceding a larger role to the United Nations, or allowing time for existing policies to achieve stability. Several committees are conducting inquiries into why substantial amounts of WMD have not been found in Iraq to date, and hearings have been held alleged abuses of the U.N.-run oil-for-food program and the abuses at Abu Ghuraib prison. Some Members who have visited Iraq — and over one third of Members have visited Iraq since the fall of Saddam — say reconstruction is proceeding and that Iraq is more stable than is widely portrayed in the press.⁴³

⁴³ Chaddock, Gail Russell. “Trips to Iraq Reshape War Views On Hill.” *Christian Science Monitor*, January 6, 2004.

Appendix. U.S. Assistance to the Opposition

Appropriated Economic Support Funds (E.S.F.) to the Opposition

(Figures in millions of dollars)

	INC	War Crimes	Broadcasting	Unspecified Opposition Activities	Total
FY1998 (P.L. 105-174)		2.0	5.0 (RFE/RL)	3.0	10.0
FY1999 (P.L. 105-277)	3.0	3.0		2.0	8.0
FY2000 (P.L. 106-113)		2.0		8.0	10.0
FY2001 (P.L. 106-429)	12.0 (aid distribution inside Iraq)	2.0	6.0 (INC radio)	5.0	25.0
FY2002 (P.L. 107-115)				25.0	25.0
Total, FY1998-FY2002	15.0	9.0	11.0	43.0	78.0
FY2003 (no earmark)	3.1 (announced April 2003)			6.9 (remaining to be allocated)	10.0
FY2004 (request)				0	0

Notes: The figures above do not include defense articles and services provided under the Iraq Liberation Act. The figures provided above also do not include any covert aid provided, the amounts of which are not known from open sources. In addition, during each of FY2001 and FY2002, the Administration has donated \$4 million to a “U.N. War Crimes Commission” fund, to be used if a war crimes tribunal is formed. Those funds were drawn from U.S. contributions to U.N. programs.

Figure 1. Map of Iraq



Source: Map Resources. Adapted by CRS. (K.Yancey 7/21/04)